# THE STRENGTH OF ENGLAND

GEORGE F. S. ROWLES

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# THE STRENGTH OF ENGLAND

"The first Article of an *Englishman's* Political
"Creed must be, That he believeth in the Sea, &c.,
"without that there needeth no General Council to
"pronounce him incapable of Salvation here. . . . It
"is no Paradox to say that *England* hath its Root in
"the Sea, and a deep one too, from whence it sendeth
"its Branches into both the *Indies*. We may say
"further in our present Case, That if *Allegiance* is
"due to *Protection*, ours to the Sea is due from that
"*Rule*, since by that, and by that alone, we are
"to be protected ; and if we have of late suffered
"Usurpation of other Methods, contrary to the
"Homage we owe to that which must preserve us, it
"is time now to restore the *Sea* to its right ; and as
"there is no Repentance effectual without Amend-
"ment, so there is not a moment to be lost in the
"going about it."

LORD HALIFAX. *A Rough Draft of a New Model at Sea, 1694*

# THE STRENGTH OF ENGLAND

BY

GEORGE F. S. BOWLES

WITH SIX MAPS

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TO

THE MEMORY OF MY FATHER

THOMAS GIBSON BOWLES

# PREFACE

THE writer of these pages ventures to hope that they may be allowed the great honour of an impartial consideration : not, certainly, on account of their literary merit (for he is well aware that they have none) ; nor, equally certainly, from any belief whatever in his own powers of exposition or persuasion ; but solely because of what seems to him the very real importance, to the future, not only of England, but of the world at large, of the subject with which they endeavour to deal.

He has attempted to supply, from analogies of the past, some reasoned and reasonable explanation of the slow rise among the nations of the earth of the Strength of England. He has tried to indicate in plain terms the altogether peculiar character of that Strength both in peace and war ; and to give grounds for believing that, however greatly in future the outer regions of the earth may develop, the peculiar and far-reaching form of strength which distinguishes England, must ever remain in that Island.

He has endeavoured to show not merely that the real Strength of England in time of peace is essentially maritime, for that until recently was universally known ; but also, that this same maritime strength of England in war, consisting in a non-destructive and preserving pressure upon sea-traffic under the calm control of Law alone, is the greatest security devisable by man against any repetition of such prolonged efforts of military destruction as those which have recently come near to destroying western civilization altogether, and may easily succeed in doing so finally, if allowed again to break out without due restraint from the sea. He has tried from this point of view to present, within the limits of the space at his disposal, a short analysis of the Strength of

England in this respect; in order to display the truth that her strength is not that of a sea-bully using force alone, but a strength of Law, of order, and of regulated preservation throughout. He has indicated, by reference to recent indisputable events, the bitter consequences suffered by the whole world from England's recent successive abandonments of her strength in this respect; and has stated, in conclusion, by what means and with what measure of probable general agreement abroad she both may and should resume it.

He has been greatly assisted in his labours by many persons of authority in their several subjects who desire to remain unmentioned here. But he cannot refrain from expressing his thanks in particular to his friend, Mr. Leslie Cope Cornford; without whose continuous and effective interest throughout the work could hardly have been completed.

G. F. S. B.

*May 1926*

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# THE STRENGTH OF ENGLAND

## I

### THE PROBLEM

NO man attempting a comprehensive and impartial survey of the modern world, the kingdoms of the earth, the glory of them, and the character of the relations between them, could fail to be struck by the strange quality of the influence exercised among them by the inhabitants of that small island in the northern seas whose proper name is England. This influence and its effects, the name, the reach, and the apparently uniformly decisive power of England in all the crises of western civilization during the past two centuries, would more and more be borne in upon him as his inquiries proceeded; so that at last, if such an observer had a spark of philosophic curiosity within him, he would certainly be brought to wonder as to the real significance and basis of so persistent and singular a strength. Nor in this would he be alone. That same wonder has been felt, in varying degrees, by every historian who has dealt with the matter. Each has contributed something towards a final solution of the puzzle. And yet it is true to say that, even at the present moment, the real meaning of the enigma has not been understood.

To the average Englishman, indeed, all such enigmas seem tiresome. Averse from philosophic discussion for its own sake, and regarding the immediate evil of the day as amply

sufficient for his attention, the average Englishman in fact constitutes in his own person an important ingredient of the enigma itself. Deeply attached to his own island, and yet content to inhabit in vast numbers the waste places of the earth; European and yet insular; contemptuous in his heart of all the other races of mankind and yet ready, on good cause shown, to make great sacrifice for any one of them; easy-going and yet dependable, solid and yet resourceful, the Englishman proceeds upon his way with a profound confidence in the ultimate power of England to surmount all difficulties, and an equally profound indifference as to the real basis of that faith. Such an attitude is in itself an enigma. But not more so, as we shall see, than the situation from which it springs.

A modern writer, in a recent lively essay, has drawn a picture of a man looking down from a height upon a wide tract of the industrial North of England, with its continuous glare and struggle and its miles of chimneys blackening the sky. "From here", says he, "a man may see the amazing "energy of England". That is true enough; and more than true enough for a literary essay. But it is not the whole truth. A man overlooking such a district would see, no doubt, some portion of the manufacturing energy of England; enough of it, perhaps, to enable him to make a fair guess at the scope and quality of the rest. But the energy of England goes far beyond manufacture; and to obtain a real conspectus of the energy of England a man would have to climb far higher than this imaginary observer. He would have to survey the whole earth and every factory and ledger it contains.

For, however the matter be regarded, the present situation of England in the world is in the highest degree surprising; and, though facts are notoriously dull things, a few must here be cited to illustrate that proposition.

In the first place, you have in England a people so thickly crowded together upon the land as to turn every other population on earth into a very thin affair by comparison. In every square mile of England there lives an average of some 700 persons. It is much the most thickly populated spot upon the globe. And what is equally remarkable is

this: that the two next most thickly populated countries of the earth, namely Belgium and Holland, are close alongside her. The quadrilateral formed by those three countries, therefore, appears to favour in an extraordinary degree the phenomenon of a teeming and crowded population. No other portion of the world compares with this quadrilateral in that respect. Why should this be so?

In the second place, you have in England incomparably the greatest volume of foreign trade ever done by any like number of men in the history of the world. Whether that trade be measured in volume or in value, in goods or in money, there is no movement at all comparable with it over the frontiers of any other European State. It represents about one-sixth of the international trade of the entire world. It is substantially equal in total value to that carried on by all the United States of America, whose population is nearly three times, and territory over twenty times, as great as those of England. Considered, moreover, with reference to the size of the community conducting it, the trade of England far outstrips that of the United States. In the year 1924, the foreign trade of England per head of the population was more than twice that of the United States; and, in respect of individual intensity, is surpassed only by that of those same two neighbours of hers in the quadrilateral mentioned above, namely, Holland and Belgium. In actual volume as well as in individual intensity of foreign trade, therefore, this same quadrilateral has no equal in the world. Why should that be so?

Thirdly, if search be made for the mainspring of the powerful and elegant machinery by which trade is enabled to move about the surface of the globe, that mainspring will be found to lie in London. It consists at last in the credit of England as administered by the English accepting houses. If that credit, lent out to all the world by means of its instrument the Bill on London, were suddenly withdrawn from the machinery of international trade, the whole fabric as we now understand it would fall to pieces; and this in spite of the fact that London recently ceased, for some years on end, to be a free market for gold. Transactions between foreign

merchants, no less than those between foreign and English traders, require in their initial stages a promise of ultimate payment which the seller will accept. And the form of promise which the sellers of the world prefer above all others is the promise of London. Nor is this all. In such cognate matters as Insurance, Investment, Banking, and the safe-guarding of ultimate financial reserves, London will be found to play in reality an even larger part than that which she is already known to conduct. There is hardly a capitalist in Europe without large credits in London, or a foreign insurance risk which is not ultimately carried there; nor, in general, can any great subscription of capital in any part of the world be successfully concluded without the help both of the English investor and of the English financial machine. England, in short, is still in an overwhelming degree the Financier, the Insurer, and the Safe Place of the World.

And if in the arts of peace the international position of England, judged solely by results, is thus remarkable, her power in war is certainly no less so. During 77 of the last 250 years, nearly one-third of the whole period, she has been engaged in armed conflict with one or more of the greatest nations of the earth; and sometimes with all of them at once.

Those two and a half centuries have seen the rise to high international power of many communities of men; Spain and Holland in the seventeenth century, and France in the eighteenth, contested sometimes with one another, and always with England, for the commercial supremacy of the world. The long array of wars from the Peace of Breda to the Treaty of Versailles have drawn and re-drawn the map of Europe, have brought very varying fortunes to their respective participants, and have continually re-drawn also the map of the whole world. To Spain and to Holland, once alike the commercial masters of Europe, these long struggles have brought immense loss of territory and a very great abridgement of international power; to France, considering her position at the opening of the War of the Spanish Succession, they have brought an almost equally striking curtailment of international strength.

To England alone, from the international point of view,

have they brought clear, undeniable, and steadily increasing advantage. The changes wrought by the last 250 years in the international situations of France, Spain, and Holland are great indeed. But no one, considering the picture as a whole, can compare those changes in scope, in persistence, or in dramatic intensity with the change from the relatively obscure and thin population of the England of 1660 to the teeming centre of power which England is to-day.

Taking then, for the moment only, these few characteristics, we have already at least some ground for the view that England presents a spectacle unusual among men. A people more densely crowded upon the land than any other, conducting a greater intensity of trade than any other, having a firmer financial credit than any other, lending that credit more freely than any other, and regarded by every other as the safe place of the world: in these respects alone the English phenomenon, though certainly strange, might be regarded as purely commercial and not altogether without parallel in former ages of the world.

But the combination of this actual commercial power with the further power, evinced by England now for over two centuries, of maintaining and increasing her commercial strength through all resorts to arms; so that the more and the more progressively that strength is strained and called on to finance its own expansion and defence, the more it seems itself to prosper; coming always out of the fires of war with a greater hold and a longer reach over the world than it possessed when it went in: that combination is a thing not known before and deserving, perhaps, some more reasoned explanation than any it has yet received. Historians, indeed, have noted it; politicians from time to time have acclaimed it; economists have touched upon it; and the whole commercial world has used and greatly profited by it. But by what means this strange resilience came into being and why, above all, it came to be centred in one small island off the coasts of Europe, rather than in one of the other great States of that continent, are questions which seem to be but idly asked and almost as idly answered.

Occasionally, indeed, some kind of answer is attempted to

them. The climate of the particular island in question, some peculiar energy in its inhabitants, its long immunity from invasion, its early adoption and adaptation to modern needs of the methods of government known collectively as free or parliamentary institutions, the presence and propinquity of great deposits of coal and iron within its borders; the effects of great protective measures such as the Navigation Acts, or of fundamental fiscal changes such as those of 1842; or, finally, the existence in every quarter of the globe of those great outlying territories which, brought into being under shelter of the power of England, still depend upon that shelter to maintain them as they are: all these things in turn, and often in combination, are put forward as the explanation sought.

Yet neither alone nor taken together can any such explanations suffice. For what has at last to be explained is the growth and strange persistence at one spot upon the earth's surface of a power, both economic and military, entirely unequalled in variety and range. If climate could be the secret of such strength, it should appear also in many other quarters of the globe of very similar climate, where as yet no sign of it is to be seen. If some particular quality of energy in men of the English race were the chief cause of world-wide economic power, some elements of that same power would certainly by now begin to show in one or other of the large outlying communities of Englishmen beyond the European seas. Yet these communities continue in fact to derive chiefly from England such separate economic strength as they possess.

Energy, moreover, in every form, whether physical or intellectual, is certainly no monopoly of England. Nor, though it has been of undeniable service to her, is long immunity from invasion any monopoly of hers; she has shared that immunity for centuries with many other lands. Free institutions, large deposits of coal and iron, the adoption of protection, or a devotion to free trade, all these are known to-day in many regions outside England and are there enjoyed without any appearance of overwhelming international strength, economic, military, or political; while the imposing chain all round the world of great dependencies owing their

being to England and still looking to her as the chief source of their strength, is surely rather a proof than an explanation of that far-stretching English power, whose essential cause and basis it is here desired to find.

Yet some such underlying cause there must necessarily be. It is not possible that power of such a character as that of England should have become piled up by pure chance in one small island of the sea; or that, in Professor Seeley's well-known phrase of thirty years ago, the English should have "conquered and peopled half the world in a fit of absence "of mind". Chance indeed exists. In all human affairs fortune plays her part. But the essence of fortune is caprice; and chance alone, which the great Chatham described as "the unaccountable name of nothing", can never suffice to explain the slow, recent, and steady rise of English influence throughout the world.

Where, then, are we to look for the true foundation of this thing? At first sight the problem may well seem insoluble. Set as she is among vast continents and deep seas, the island of England appears upon a map so negligibly small that it seems insane to ascribe to so tiny a spot the power we know it to possess. And as, upon a turning globe, the immense spaces of Europe and Africa, of Asia and America, appear, disappear, and re-appear before one, still bearing upon their wrinkled surfaces the marks and frontiers of empires long forgotten and of dominions gone astray, the single-handed achievement of this little sandbank, lost in the northern seas, seems incapable, the more one considers it, of any earthly explanation.

And yet perhaps it is not so. Let us see.

## II

## THE SEAT OF POWER

IN seeking, then, for some satisfying explanation of the rise of England during the last three centuries from a position of relative obscurity to her present situation in the world, it seems necessary to inquire, at the outset of the investigation, whether, in the past history of nations, the particular set of attributes which especially distinguish the strength of modern England, have ever before been seen together in any other community of men. Those attributes we may take for our present purpose to be: firstly, a teeming population; secondly, an overwhelming foreign trade; thirdly, great riches, and, lastly, a widespread political dominion and power. These four attributes, indeed, may fairly be said to be at all times the outward signs of material national strength; and the concentration of all four of them in a high degree at any time in any one spot must necessarily constitute that spot for the time being the chief seat of material power in the world. Have they, then, ever been seen so concentrated before; and, if so, where and when?

To these questions, happily for our inquiry, the historian and the archæologist unite in returning a clear and an unequivocal answer. Great population, great trade, great riches, and great political dominion have existed singly or in pairs in many States and in many parts of the world; but a combination of all four at the same time has been seen, so far as present historical knowledge extends, only at four spots upon the surface of the globe: namely, on the lower waters of the Tigris and Euphrates; in Egypt; at Rome; and in the island of England. A statement of this kind may well seem, at

first sight, to need some detailed support. Examination, however, will show it to be true.

For, taking all history for the moment as our province, let any other known seat of power be considered; and it will be found to lack one or other of the four attributes in question. In ancient days, it is true, the Persian dominion at one moment, after fifty years of violent fighting by sea and land, "reached from the Indian desert to the borders "of Thessaly, and from the Caucasus to Ethiopia". But so violent and precarious was this dominion, that it lasted in its integrity no more than sixteen years, and in a further 150 years had completely disappeared from the earth.

Such trade and wealth as it possessed during that time, were those of the far more ancient and settled States over which for a short space it contrived to maintain its authority; there is no evidence anywhere of an overwhelming density of population at its centre; and, even during the brief existence of its power, what appeared to be a great political dominion was in truth no more than a violent, perilous, hated, and passing military occupation.

Phœnicia, both more ancient and more respectable than Persia, had trade, no doubt, and the wealth that trade must bring. But, so far from enjoying a wide political dominion, her little range of trading-ports was almost always under the direct subjection either of Assyria or of Egypt.

Carthage, indeed, originally founded as one of many Phœnician settlements along the northern shores of Africa, possessed for several centuries both wealth and trade. But she was at no time more than the chief of a very loosely-knit confederacy of those settlements; and can never be said to have possessed in any real sense a wide and solid political dominion.

For Macedonia, Alexander the Great in ten astonishing years conquered what then was the whole world, from the Danube to the Sutlej. But, upon his death at Babylon, in 323 B.C., the whole immense fabric thus acquired fell to pieces; and, though this sudden Hellenization of western Asia and north-eastern Africa produced far-reaching historical effects, and left marks upon the development of those regions and of Europe herself which endure to

this day, it cannot be said that any of the early Grecian States or even Macedonia itself ever possessed a density of population in their own lands comparable with that of Assyria or of Egypt; or that for more than the briefest possible moment even Macedonia enjoyed in any effective sense a widely-spread political dominion. In China, from the earliest ages, there have been teeming populations, high civilization, much riches, and an active internal trade; and the same is true of such ancient empires as those of the Aztecs in Mexico and the Incas in Peru. But, of a wide political dominion beyond their own immediate borders none of these three very different civilizations can show the slightest sign.

Nor, if any more modern seat of power be examined, will it be found to exhibit at the same time all four of the attributes we have named. During the long centuries of the domination of Rome she alone combined them all; and when, upon her slow collapse, disorder spread again about the world, not one of the several immediate inheritors of her dominions will be found to have possessed all four of them together.

The Eastern Empire centred at Byzantium, the Holy Roman Empire stretching across Europe, its Spanish successor under Charles V, the France of Richelieu and Louis XIV: all, of course, in their varying degrees, possessed both oversea trade and very considerable wealth. But no one of them exhibited at its seat of government a teeming density of population comparable with those densities both ancient and modern which we are now about to describe; nor did any of those governments extend, except for a very brief interval in the cases of France and Spain, beyond the narrow limits of their own immediate borders.

The United Provinces of Holland alone, during the first half of the seventeenth century, could show something very like the simultaneous possession of an intensely concentrated population, an overwhelming foreign trade, great wealth, and settled political power extending far beyond their own borders into India, Java, and the Pacific archipelagos, as well as into their possessions along the west coast of Africa northward from the Cape of Good Hope and round the Brazilian coasts of

South America. But, by the end of that century, as we shall see, her position in these respects had been taken from her; and at the opening of the eighteenth century, in circumstances which will later be described, she had already ceased to be a leading European Power.

Having thus very lightly, but it is hoped sufficiently, eliminated all the chief competitors that might possibly be suggested, let us contrast with them the four other seats of power in the world to which we first referred; namely, Babylonia, Egypt, Rome, and England.

By Babylonia is here to be understood the great alluvial plain lying immediately at the head of the Persian Gulf, and fed by the two twin streams of the Tigris and Euphrates. In this plain, according to the evidence of every historian from Moses downward, a great Kingdom had existed from the remotest times. The city of Babylon itself, together with others hard by, was founded there, according to the Hebrew record, by Nimrod, at a date which Berosus puts at 2000 B.C., but which modern research carries back to the beginning of the fourth millennium before Christ. And the spade of the modern archæologist, confirming these statements, has shown beyond a doubt that, even at that early date, building on a large scale, the use of letters, working in many kinds of metal, the weaving of delicate textiles, the observation and careful recording of movements of the heavenly bodies, and a continu l commerce with the shores of the Gulf and perhaps with other shores beyond it, were all practised by the peoples of that plain. Throughout the whole plain, moreover, at a time when the name and power of Egypt had not yet begun to emerge into even the haziest history, and when all the rest of the known world is completely hidden from modern eyes, there stood a long array of cities, from Eridhu on the Gulf itself to Nineveh 600 miles above it on the Tigris, whose mere remains now strike wonder into every traveller who sees them.

Babylon alone, with its hanging gardens, its enormous wall-defences, containing a hundred huge gates of solid brass, enclosing an area of eight square miles, and having at their top, according to Herodotus, buildings of a single chamber facing one another and yet leaving

between them room for a four-horse chariot to turn; with its towers, palaces, wharves, temples, and observatories, was ever reckoned by all antiquity as one of the seven wonders of the world. The whole plain, also, by the time of King Sargon I (*c.* 2750 B.C.) had been laced and interlaced with a system of canals, sluices, and large works of general irrigation extending over an area of many thousand square miles such as, both in complexity and extent, the world had never seen before nor has ever seen since. The dominion of King Sargon I extended westward to the Syrian coast; and a tablet discovered at Assur, in 1913, records, among other things, the despatch of his navies to Kapthor (this is, either Cyprus or Crete) and to the "tin-lands beyond the western sea", that is, beyond the Mediterranean. Not timber, building-stone, nor metal existed naturally in any part of this great plain; yet diorite from Arabia, marble from Mount Tidanum and from Kurdistan, cedar from Lebanon, bronze, copper, silver, and gold were all constantly used in every part of it from the earliest times.

So great, indeed, were the advantages, and so enduring the wealth and influence of this remarkable region, that Alexander himself, having obtained control of the whole world then known, even so late as in the third century before Christ, had definitely resolved to establish at Babylon the permanent seat of his new, far-reaching power. In these circumstances it is abundantly evident that here, from the earliest days of recorded history up to the days of Rome herself, there existed, and persisted continuously through all the changes and chances of those fierce times, a seat of dense population, widespread trade, immense wealth, and centralized dominion.

Of Egypt also the same may certainly be said. It is not possible to contemplate even the single early Egyptian work of the Great Pyramid of Gizeh; its immensity, the complete and meticulous accuracy of its construction, and the unparalleled scientific and technical skill required for its design and completion, without realizing that its existence necessarily implies in the Egypt of 4,000 years ago not merely many centuries of excellence in mathematics, astronomy, and the working of stone, but a teeming and highly orga-

nized population, secured by some means from all serious risk of invasion or other forcible disturbance. And although the earliest work of the Egyptians appears in many respects to have been their greatest, the long line of towns and palaces, tombs and temples stretching all through the ages of antiquity from Memphis in the north to Assouan and beyond in the south, constantly added to, never seriously destroyed, and containing within them at all times an endless profusion of the products and learning of the entire world as then known, still bears unanswerable witness to the existence there of a settled wealth and trade comparable only with those of the plains of Babylonia themselves. There is, indeed, between these two regions in early times a kind of likeness to each other, and of unlikeness to all other nations, which are both highly informing ; suggesting, as they do, that in them alone among all the inhabited regions of historical antiquity, existed the leisure, the knowledge, the population, or the security necessary to the steady planning and execution of vast and permanent public works.

And, with the continued power to execute such works, there went at all times in Egypt as in Babylonia a changing but always widespread oversea dominion. Egyptian influence throughout the lands of the eastern Mediterranean, from the earliest times, becomes increasingly apparent as the archæologist dives into their respective remains. In Crete it now appears to have established a definite colony so early as in the middle of the second millennium before Christ ; while her conquest and long occupation of Syria, Ethiopia, Arabia, and portions of Mesopotamia to the east of the Euphrates itself, are well-known features of her long and surprising history. Of her, therefore, as of the equally mighty Babylonia, it may certainly be said with truth that she possessed, in substantial continuity for at least two thousand years, in a very marked degree the combined attributes of a great population, great trade and wealth, and a wide political dominion. That all four attributes reappeared together in due course at Rome during the height of her power will certainly not be contested ; and that modern England possesses them again to-day is at least equally plain

Here, then, if the results of this very rapid analysis be accepted, we have four spots upon the earth's surface where, and where alone in historical times, these four attributes have been seen in simultaneous and long-standing combination. And since, even in matters of such complexity as the rise of empires, all effects must somewhere have a cause, it will be interesting to carry the inquiry into its next stage, and to ask whether there are any circumstances common to these four particular regions which may reasonably be held to account for their common fortune in these four respects.

In such very slight endeavours as have so far been made by historians to account for, as distinct from merely describing, the rise of States, four elements of supposed superiority in the ascending people are commonly suggested. Sometimes it is proposed for the consideration of the student that the element of climate has played an important part in the matter; and the temperate yet energizing air of England has often been extolled in this connection. More often it is suggested that some peculiar merit in the character of the rising race itself, is the root cause of its ascent to dominion in the world. Sometimes a long-continued possession of superior military talent and of great military forces is put forward as the underlying secret of the nation's success; or a long and happy succession of wise and prudent rulers is indicated as the origin of national power.

But if it is reasonable to say that paramount strength in a nation consists in its possession at the same time of the four attributes to which we have referred; and if, further, it is true that these four attributes have only been seen together in the four regions already mentioned; then it is obvious that neither separately nor taken in combination will the foregoing suggested causes suffice to explain the paramountcy of a state. For they are not found in all four cases to accompany it. If, for instance, the climate of England is an essential ingredient of national greatness, how are we to account for the existence of a precisely similar quality of greatness in former times in the torrid plains of Babylonia? Or, if the character of the English race be indeed the essential of England's power,

how did similar power come to reside in the courts and palaces of a race in the Nile valley wholly different from the English in every respect? Military power, indeed, and varying degrees of military talent, were common to Babylonia, to Egypt, and to Rome, and played their part in securing to those empires the four attributes in question. But England, at the opening of the nineteenth century, had attained them all in overwhelming measure, without the possession of an army comparable at any time in numbers or importance with those even of her nearest neighbours on the continent of Europe. And if it be true, as may well be doubted, that the trade, wealth, and mighty oversea dominions of Babylon and Egypt in ancient days, arose from some surpassing quality of statesmanship and political wisdom in the rulers at those centres lasting over thousands of years, the same can certainly not be said of Rome, and still less of England; whose governments, during the actual progress of her rise, were never a support but often a serious hindrance to those engaged in spreading her name, arms, and influence through the several quarters of the globe.

On a fair view of the matter, then, it would seem at first sight as though among these widely differing historical seats of paramountcy no common character can be found; and that their possession in turn of a persistent and overmastering power in the world can be ascribed to nothing more tangible than fate, accident, or chance. Yet this can hardly be a true or a satisfactory conclusion. Behind like appearances some common cause must exist.

And the truth is that among these four regions, with all their wide differences of race, climate, religion, and character, two strange and striking similarities do exist. Each, firstly, is situated on the sea; and each, secondly, occupied throughout the period of its international greatness the centre of the then-existing trading world. In all else they differ; in this alone they are alike; and their common character in these two respects will well repay some slight investigation.

That Babylonia, Egypt, Rome, and England all in fact do lie upon the sea is a proposition not open to doubt or dispute. Babylonia at the head of and commanding the great

waterway of the Persian Gulf; Egypt seated with her 1,400 miles of coast-line at the junction of the Red and Mediterranean Seas; Rome set in the very midst of the Mediterranean itself, and looking east and west across its waters like a very sentry of southern Europe; and England lying wholly in deep water; all in fact are set in and must necessarily largely look to the great sea-road which lies at their doors. But that, besides lying thus upon the sea, they each in turn have also lain at the centre of the trading-world of the moment, is by no means equally apparent; and the truth of that proposition also must now be made clear.

"The history of Europe", say the learned Editors of the *Cambridge Ancient History*, "begins outside Europe. Its "civilization is so deeply indebted to the older civilizations "of Egypt and south-western Asia that for the study of "its growth the early history of those lands is more impor- "tant than the barbarous life which Celts, Germans, and "others lived within the limits of Europe. Europeans, "who wish to follow the history of their own development "from its origins, must first of all become acquainted with "the civilizations of Egyptian, Sumerian, Hittite, Semitic, "and other peoples of north-eastern Africa and south-western "Asia".

There is no doubt whatever of the truth of these observations, and a map designed to show the entire western world of trade at the opening of recorded history must necessarily take for its central region those districts of "north-eastern Africa and south-western Asia" to which all historians agree in referring the beginnings of western civilization. Here, according to the learned, the modern world began. Beyond its borders, we are told, all still remained confusion and violence, the decaying stone-age, and ancient night. Against the terrible darkness of the rest of the early world it stands out like a circle of light thrown by a lantern. Within it alone, for the first few thousand years of western history, the arts of permanent civilization existed or the streams of trade could run. It is a highly restricted world and, according to modern fancy, a very small one. It is bounded on the north by the Black Sea and the Caspian, on the east by the wild highlands of

Persia and Baluchistan, on the south by Arabia and the Soudan, and on the west by the island of Crete and the deserts of Libya. It appears to have extended by sea, and by way of exception, to north-western India and to Rhodesia; whence the gold of the Lower Zambesi and Limpopo regions was brought from Tarshish (the modern Sofala) to the emporium of Ophir (the modern Mirbat) on the south Arabian coast.[1] Its actual geographical centre lay in the heart of the deserts of Arabia. But its sea-centre lay, and could only lie, either at the head of the Persian Gulf where the warm and fruitful plains of Babylonia come down to its shores or, alternatively, at the junction of the Red Sea with the Mediterranean. No other regions upon that map can be made to occupy the position of its sea-centre; and both regions, so long as that map continued to represent the whole area of trade, in fact occupied the sea-centre of the entire trading-world.

Turn now to Rome.

"In the second century of the Christian Era," says Gibbon, who occupied his immense talents rather with the story of the decline of Rome than with that of her even more astounding rise, "the empire of Rome comprehended the fairest "part of the earth, and the most civilized portion of man-"kind"; and he adds that the Emperor Augustus by his will "bequeathed, as a valuable legacy to his successors, "the advice of confining the empire within those limits "which Nature seemed to have placed as its permanent "bulwarks and boundaries; on the west the Atlantic Ocean; "the Rhine and the Danube on the north; the Euphrates "on the east; and towards the south the sandy deserts "of Arabia and Africa".

This advice was not widely disregarded; and the Roman Empire at no time greatly overstepped the limits thus laid down by Augustus. It was all contained between the 25th and 56th parallels of north latitude and between the meridians of 10 degrees west and 40 degrees east longitude. It embraced within itself substantially the whole trading-world of its day;

[1] See *The Gold of Ophir*, by Professor A. H. Keane, F.R.G.S. Edward Stanford, 1901.

and if to its own proper frontiers be added the regions round the Baltic, whence already a certain trade was beginning to run, the entire trading-world of Roman days will be portrayed. And of that world Rome herself will then at once be seen to occupy a situation of unmistakable sea-centrality. No more completely central position in that world, indeed, can anyhow be contrived.

The remaining case, that of England, is at least as striking as the rest, but will perhaps require a little more elaboration. The facts of her case, indeed, are so remarkable in themselves, apparently so little regarded by Englishmen in general, and yet so profoundly far-reaching in their implications and effects, that they deserve at least a clear statement. And this statement is the easier to make because it involves no question of inference or opinion, but is concerned solely with matters of hard, geographical fact.

If, then, discarding for a moment the ordinary household atlas and the deceitful appearances of Mercator's invaluable projection, a terrestrial globe be consulted on the point, it will be seen that, as is well known, substantially the whole land-surface of the earth lies upon one half of it, the remaining half being occupied almost entirely by sea. But what appears to be less universally appreciated is the further fact that, if that half of the world be found which contains the greatest extent of land-surface, England will be found to occupy its centre. Now this is a matter of plain fact which, for what it is worth, should be made completely clear. The island of England lies wholly in the sea and yet at the precise centre of all the land of the earth. No other spot upon the globe either fulfils or can ever be made to fulfil those two conditions. Turn the globe as you will, contrive and consider as you please ; in the end the hard geographical fact will remain, that England, alone of all the communities of men, has the sea-centrality of the world. And, having it, she must ever retain it. For the shape and extent of the land-hemisphere of the globe are now for ever fixed.

Assertions of this sort are apt to be dismissed at sight as mere fantastic imaginings, the products of a vainglorious

MAP OF

# THE WHOLE WORLD OF TRADE

SHOWING

## THE PERMANENT SEA-CENTRALITY OF ENGLAND

PACIFIC OCEAN
NORTH AMERICA
SOUTH AMERICA
ATLANTIC OCEAN
EUROPE
ASIA
AFRICA
INDIAN OCEAN
AUSTRALIA
SOUTHERN OCEAN
SOUTH ATLANTIC OCEAN
ARCTIC OCEAN
MICRONESIA
MELANESIA
POLYNESIA
Tropic of Cancer
Tropic of Capricorn
EQUATOR
NORTH POLE
SOUTH POLE
UNITED KINGDOM
COMMONWEALTH OF AUSTRALIA
DOMINION OF NEW ZEALAND
Note that the left hemisphere here, of which England is the centre, contains all the habitable land of the globe except Australia and a small portion of South America. No other hemisphere can be contrived upon the Earth having so great a proportion of land as this.
W. of Greenwich 0° E. of Greenwich
E. of Greenwich 0° W. of Greenwich
Stanford's Geograph! Estab! London.

MAP SHOWING

# THE NON-CENTRALITY OF NEW YORK

Note that the left hemisphere here, of which New York is the centre, contains far less land-surface than the corresponding hemisphere shown on another page, of which England is the centre. New York therefore can never occupy the centre of the trading world.

Stanford's Geograph! Estab! London.

patriotism or of some grotesque and untenable political theory; and it is, presumably, upon some such grounds as these that this great fact is either completely ignored or even deliberately rejected as meaningless by Englishmen in general. Yet the circumstance of the permanent centrality of England among the nations of the earth is a matter neither for doubt nor for pride; for it certainly cannot be said to be due to any superior quality or merit in the inhabitants of that island. It is merely a piece of plain, indisputable, hard fact which no amount of doubt or controversy can alter. Whether, indeed, a centrality of this sort has any necessary political or economic effects, is a matter which will be fully discussed later. But, as to the existence of the sea-centrality of the world in the island of England no doubt is possible. It is written for all time upon the very surface of the globe.

The point is strange one, and not perhaps altogether easy at first to grasp. It will be returned to and elaborated later on in this book. But to make its general truth finally apparent in this place, and to exhibit it in its full relief, it will be well to examine also from the point of view of world-centrality the geographical positions of such other great commercial communities as New York on the one hand and, let us say, Tokio on the other. The map resulting from such an examination in the case of New York is shown herewith; a similar map in respect of Tokio may readily be seen upon a globe; and the merest glance at either of them must convince every observer that, whatever other glories the future may hold either for the United States of America or for Japan, that of occupying a central position among the nations of the earth can never possibly be among them. By no means whatever can that particular glory, if it be glory, be enjoyed by either of them. Both must necessarily ever remain, from the very configuration of the world itself, far away upon the outer borders of that fixed aggregation of continents which together constitute the habitable world, and whereof the island of England must always be the centre.

Up to this point, then, in our search for some real explanation of the rise and present international strength of England,

we have found international strength of the same general character as hers existing in the world before, but only in three instances; and, in each of these, we have found the seat of that power upon the sea, and also at the centre of the trading-world of its day. In every other attribute which could lead to national greatness these four historical seats of paramountcy have differed widely from one another. In race, climate, national characteristics, and political institutions, their inhabitants had nothing in common. Yet each in succession held a paramount national greatness, and each in succession held also the sea-centrality of the trading-world. That last, at least, is plainly common to them all.

The fact, of course, may possibly be pure coincidence. But, if so, it is certainly a highly remarkable coincidence; so remarkable as at least to invite some further examination before it can properly be accepted as such.

For if it can be shown, in addition to the above, that there is in mere sea-centrality alone some virtue which must necessarily confer upon any State possessing it a teeming population, trade, riches, and wide political dominion beyond its own borders, the matter would at once be lifted beyond the realm of coincidence altogether. In that case we should plainly be justified, upon the ground of long and open historical analogy, in definitely regarding as the true underlying cause of the surprising influence of England in the world her possession of that permanent situation of sea-centrality which, in overwhelming degree, she will later be shown to enjoy.

## III

## THE NATURE OF SEA-CENTRALITY

IT has been pointed out in the preceding chapter as a matter of pure history that, in all times of which we have any historical knowledge, the chief power among nations has always resided at the sea-centre of the trading world; that great international strength, in fact, has ever been accompanied by sea-centrality. We have now to ask whether this companionship is accidental, or if there may not be between these two attributes some close connection of cause and effect. Is there, in short, some quality inherent in sea-centrality, as such, which must necessarily lead its possessor to an international predominance? Evidently, in order to answer this question, the nature of sea-centrality itself must be closely examined; and, for this purpose, let us leave on one side for the moment the attribute of centrality, and consider the effect, if any, which mere access to the sea must necessarily produce upon a State.

In the first place, then, it will at once be observed that access to the sea immediately brings to its possessor the possibility of easy and constant communication with the world at large. That the sea unites all those peoples that dwell beside it is now an obvious and well-understood truth. But the converse truth is far less generally appreciated, namely, that while the natural function of the sea is to unite the peoples of the earth, the function of the land is to divide them. With what jealousy and success the land has fulfilled this function in the past, is plainly written on the surface of the globe. Wherever upon that surface a region is found deprived of easy access to the sea, and surrounded on every side by masses

only of land, there also will be found aloofness, remoteness, provincialism, isolation, and a marked absence of those delights and amenities which have ever marched with general civilization. The coasts of Asia and of Africa have been known and traded with by all the world for many centuries; but the land-locked interiors of those continents are still hardly penetrated to this day. And, so far as they have been penetrated, they are found invariably to present a melancholy contrast in wealth, progress, and national power, with those even of their nearest neighbours whose land has access to the sea. The same is equally true of all continents, America both north and south, and Europe herself, being no exceptions to the rule. The extent to which in all ages the land has frowned upon the intercourse of peoples is strikingly shown by all the early maps of the world which have come down to us, as well as by our modern maps to-day. Then, as now, the seas alone are fully and accurately drawn; while in the interior of the great continents immense blanks, then as now, appear. The economic history of civilization, indeed, considered from this point of view, may truly be said to be the story of the relative extents to which the various masses of the land have been able to overcome the natural difficulties of their own land communications; and to reach, refresh, supply, and comfort each other by means of the one road which embraces and contains them all, the sea.

To this view of the matter, however, it may possibly be objected that it appears to neglect the immense improvements made in modern times in the methods of land communication. The road and the railway of to-day (it will be said), are incomparably safer, faster, and more widely-spread than those of a century ago; so that neighbouring communities, such as those of western and central Europe, or those of the several states of North America, which are joined together fairly effectively by either of these links, may now trade with each other far more fully, and are able to support far larger populations within their borders, than would have been possible to any of them even fifty years ago. All this, no doubt, is perfectly true. But it is also true that, despite every modern development of land-transport, no

roadway or railway that ever was built can compete upon equal terms with even the humblest system of transport by water. The purchase by the English railway companies at the outset of their careers of all the chief canals in England is striking evidence of that fact ; as also is the highly differential rate still charged by those companies upon every form of serious traffic for which a possible alternative sea-route exists. In the year 1902, according to the late Lord Rhondda, than whom no authority upon the subject could be more competent, the cost of sending fifty tons of coal one mile along a road in England by cart was five hundred pence, while that of sending the same quantity the same distance by rail was twenty pence. But the sea, at the same date, would do the work for one penny ; so that, to quote his words,

" The average freight from Cardiff to Port Said (3,072 miles) " was below the cost of conveying coal by rail from South " Wales (say the centre of the Rhondda Valley) to London " (170 miles), Liverpool (175 miles), or Southampton (128 " miles)." [1]

To-day, in 1926, the disparity is if anything more striking. The cost to-day of sending fifty tons of coal by rail from South Wales to London would be about £30. But the sea will still carry that same weight from South Wales to Egypt, eighteen times as far, for less. It is true that coal-freights are often calculated by the ship-owner upon a somewhat low level, as constituting for him that necessary outward cargo upon which the financial result of his round voyage, and the possibility of low homeward freight-rates, will depend. But in whatever class of movement the matter be tested the result will never vary. " We carry ore ", said Mr. Walter Runciman on 19 February, 1926, in his Presidential Address to the Chamber of Shipping of the United Kingdom, " from " Algiers to West Hartlepool, a distance of 1,900 miles, for " 6s. 6d. per ton. That same ore carried from West Hartle- " pool to Darlington, a distance of 15 miles, costs the iron- " master half as much as he paid for its voyage across the

[1] *The Growth and Direction of our Foreign Trade in Coal during the Last Half Century*, by D. A. Thomas, M.A., M.P. Paper read before the Royal Statistical Society, May 19, 1903.

" high seas ; while from West Hartlepool to Leeds—a distance " of 65 miles—the railway rate is 6s. 2d., or practically the " same as the sea-freight for 1,900 miles.

" We bring grain from Buenos Ayres to London at 12s. 9d. " a ton, a distance of 6,294 miles. But for the shorter run " of 66 miles from London to Northampton the railway " companies charge 14s. from station to station."

To-day, therefore, despite every improvement in land-communication, the sea more than ever remains overwhelmingly the cheapest road for trade. And the reason, of course, is simple. It is that in all forms of transport by land the laying and, above all, the maintenance of the road itself have at last to be paid for by the traffic carried ; whereas the great road of the sea, unlimited in breadth and carrying-power, and stretching in unbroken continuity to the farthest ends of the earth, requires no laying or maintenance whatever and needs merely to be used. This difference is irremediable and eternal ; and must always render the sea a wider, longer, and far cheaper road for trade than any that can be contrived upon the land-surface of the globe.

In these respects, indeed, the only conceivable rival of the sea is the air ; and if airship construction ever reached a point at which the hundreds of millions of tons weight of merchandise now drawn yearly through the seas of the world could, with equal ease, cheapness, and safety, be lifted into the air and carried above the clouds directly to their respective destinations, then, indeed, the present monopoly of the sea would have to look to itself. For the road of the air, like that of the sea, requires no laying or maintenance, and needs only to be used. But those concerned in the perfecting of air-transport are well aware that such a development, even if ultimately realizable at all, is at least improbable and certainly very distant ; while it is clear that the first result of such a development would be the establishment of trade air-routes designed to compete rather with the narrow resources of the road and the rail than with the broad and infinite capacity of the sea. For it would be in competition with land-carriage rather than with sea-carriage that the profits of heavy transport by air would be greatest.

Putting aside, then, as non-existent at present and as not very likely to exist in the future, the possibility of a serious bid by the air for the gigantic business of carrying on the entire heavy transport of the world,[1] we are left upon every showing with the hard fact already made clear; that, the sea, apart from being at present the sole and only road between the greater land-masses of the globe, is still in fact incomparably the widest, longest, and cheapest of all the agents of transport on the earth. For all those immense and ceaseless movements of heavy commodities in which international trade consists, the sea, in short, is the great main road; and the traffic upon it is fed and increased from year to year as well by every increase of wealth and demand in the various nations of the earth as by every improvement effected in the relatively cumbrous and expensive communications of the land. Land communications indeed, internationally considered, merely feed, and increasingly feed, the sea.

From these considerations it is clear that access to the sea is an essential to international influence, since no State without such access can take any direct part whatever in the general trade and movement of the world; and it is, of course, their realization of this fact which impels, for instance, all the more active States of Central Europe to set so great a value on the maintenance and increase of their artificially created seaboards, and on the extension of those seaboards at every possible, and impossible, opportunity.

But, if a situation upon one or other of the roads of the sea is indeed of this essential importance to the international consequence of States, what will be the position among them all of a country lying at that place in the world where all the main sea-roads must of necessity meet and cross? Is it not perfectly clear that, so far at least as oversea trade is concerned, such a country, unless indeed she deliberately chooses to close her ports to one or more of the great streams of world-trade ever flowing about her doors, must necessarily enjoy

[1] It must always be remembered, as to this possibility, that the sole advantage of air-transport over sea-transport is its greater speed; and that increased speed alone can never be worth more to the generality of heavy traffic than the interest on the value of the goods carried for the period of time saved.

an overwhelming share of it? To lie upon even one of the main-roads of the earth is much, as it has been seen. To lie upon more than one must necessarily, therefore, be more. But to lie, if such a thing were possible, upon all the main-roads of the world at once, to become as it were their permanent crossing-place and depôt: that, surely, would be a position of such commanding advantage in respect of trade as no statesmanship or foresight alone could possibly hope to achieve. Yet is not this precisely the situation of a country which holds, to the exclusion of all others, the sea-centrality of the earth?

Let us come a little closer to this matter and consider it with the help of a simple analogy.

Imagine the situation of a man in a large, rich, and busy town who owns the land at the centre of the town where all its main roads meet. It is evident at once that, apart altogether from any personal merits or demerits which he may himself possess, the economic situation of such a man is extremely strong. And the strength of his position will arise from this circumstance only; that he owns the land at the centre of the town. No movement or exchange of commodities from one district of the town to another is possible, or at least commercially possible, except across his land. Upon this land, therefore, will necessarily arise all the chief seats and centres of that commerce in which the economic life of the town consists. The Banks and Merchants, the chief Shops and Offices, the local Stock Exchange, and Lawyers will all wish, if possible, to be upon it; while even the markets, factories, and warehouses, though often forced by the necessities of their work, and more often by the high level of the central rents, to occupy the outskirts, will nevertheless all desire to be represented, and will probably in truth be managed, at the centre. What is called the "business centre", in short, is a perfectly well-known phenomenon in every community of the slightest commercial importance; and, by an unfailing fatality, that business-centre will always be found in the central districts of the community concerned.

A little consideration will show that this must be so. For trade, which alone makes wealth, consists wholly in inter-

change: whether that interchange be of actual hard commodities or of services, theories, and ideas. But interchange requires swift and continuous communication between the interchangers; and distance interposes physical obstacles between them. By every means possible, therefore, trade will seek to overcome the disadvantages of distance; and, for men of the same community, the most obvious means of doing so is to bring their respective working-places so closely as possible together; and to bring them together at a spot as near as possible to the actual movement and handling of the several commodities in which they deal.

The successful coal-merchant for instance, having to consider at the same time and all day long the movements of coal into and out of his main depôt, the course of prices in the world's coal-market, and the desires, convenience, and follies of his customers, cannot afford to leave the chief centre of his business hidden away in some outer district of the town. The railway goods-yard, which for him is but the home end of that road by which he obtains his necessary supplies from the outside world; the Coal Exchange through which alone he can be kept in touch with the course of world-prices in his own commodity; the pavements of the busiest streets continually thronged with potential customers; the proximity of his chief competitors, of his auditors, solicitors, insurers, bankers, and the like: these are the magnets which, acting irresistibly upon him, will draw his head office, even in spite of himself, infallibly into the centre of the town. And what is true of the large coal-merchant is true also of every other considerable trader, whether commercial or professional, in the community; so that, by the mere pressure of convenience, the most important and successful elements in the economic life of the town acquire a plainly-marked local habitation known, wherever trading communities exist, by the name of its " business-centre ".

Here, and here only, will be found in daily action the central energies of the community. The larger shops of every kind, displaying in their windows the greatest proportion of the products of the earth; the main pressure of traffic and movement in the streets; the chief centres of the local knowledge,

finance, and manufacture will all infallibly be here. In the outlying districts, indeed, trade will also run, and there much admirable activity will doubtless also be found. But that trade and those activities will be fed and maintained by the activity of the centre, exactly as the outer functions of the human body are fed and maintained by the central pressure of the heart. And it is important in this connection to observe that, as in the human body so in the living organism of trade, the more the energy of the outer districts increases, the greater, and not the less, becomes the importance, the longer the reach, and the wider the resources of that business-centre upon which, from the nature of their case, the economic life of those outer districts chiefly depends.

In these circumstances it will be obvious—it is indeed a matter of the commonest observation—that the mere ownership of land in the centre of a town confers upon the owner a great economic strength as compared with that of his less well-situated neighbours.

But, if all this is true of the trading life of a town it must all be equally true of the trading life of the world. The transition may seem brusque, but it is not so in reality. For in no respect that can be stated does the world at large differ in economic structure from such a commercial community as that sketched above. The several nations of the earth, despite the immense variety of their respective characters and activities, are yet strictly comparable as economic units with the several districts of a large and busy town. Each in its allotted quarter of the globe, though having its own name, its own character, and its own peculiar tradition, yet forms part of the larger community around it, and contributes in its own degree to the general character, demeanour, and progress of the world at large. The nations, in short, are but districts of the world, of which they form the several organic parts; and what is true of the purely economic relations between the several districts of a town must be true also of those same purely economic relations between nations which together constitute the international trade of the world.

Here, then, from the most general possible considerations, we are led irresistibly to the conclusion that the mere possession

by a State of that position in the centre of the trading nations of the earth and at the crossing of their chief roads, which we have chosen above to describe as sea-centrality, does unquestionably confer upon that State a great economic advantage over its neighbours. Within her borders, from the nature and necessities of trade itself, may be expected to arise in pre-eminent degree the chief seats and the central apparatus of the commerce of the world.

There should be seen in unmistakable daily action the central spring of that vast economic power by which at last the movements of men, and even their existence, must ever be controlled: a thronging population, great and teeming cities; dense traffic in the streets; docks and warehouses filling at every tide with the infinite products of the earth; a ceaseless commerce embracing the whole world, spreading by sea to wherever the sea can reach and increasingly fed and fostered by all the communications of the land; bankers holding in trust for the most distant nations those ultimate credits upon which their economic strength depends; insurers taking in pre-eminent degree the final burden of the risks of fire, flood, and disaster throughout the world; a machinery of credit at once wary and light, steadily endowing even the most distant trade with so much as it needs of central stability and strength; and with all these, over them all, and alone rendering them practically workable, a rule of calm, settled, and impartial law administered with an even hand to stranger and native alike.

Such, upon the analogy of the central owner in our little commercial town, should be the natural accompaniments upon the larger stage of the world of a position of sea-centrality. And from all of them together, if they could thus be brought into actual combination, would naturally arise the further accompaniment of that dominion overseas, which must always need for its continued existence a particular quality of large and easy economic support, both moral and material, only for long to be afforded by a central strength such as that above described.

All these things were seen together in ancient Babylonia; all were seen in Egypt; all existed together in Rome; and

all exist together in England to-day. They have been seen in simultaneous combination at no other spots upon the globe. They accompanied, in each case, the sea-centrality of the world.

This persistent association, moreover, of sea-centrality with predominant international power is seen not merely during the process of the rise of States. It may with even greater clearness be perceived in their fall.

Of the four empires here referred to—the only western empires that have ever existed bearing the decisive marks we have described—three have fallen, and fallen irremediably. Babylonia is now a desert; Egypt derives such political importance as she has solely from her proximity to the Suez Canal; the imperial power of Rome to-day is but the shadow of a name; and England alone, which rose but yesterday, now shows to the world an example of centralized economic strength combined with widespread oversea dominion. So striking and obvious is the parallel that, upon the mere analogy of those three great downfalls, a similar downfall is often confidently predicted for the English imperial dominion. States, it is said, have their rises and their falls; civilizations have risen before now, have exercised great influence upon the earth, and have perished. Is it not likely, and even certain, that the strength of England also in due course will suffer a similar collapse?

But, before this supposed analogy can be accepted, one preliminary question must evidently be settled; the question, namely, of why, as distinct from how, the three earlier dominions came to perish at all. And to that essential and deeply interesting question no answer whatever will be found in the works of even the most profound historians. The enormous story, for instance, of the decline and fall of Rome occupied for thirty years of his life the talents of one of the greatest historical writers who ever lived. So recently as in the second century of the Christian Era, he begins by telling us, the empire of Rome "comprehended the fairest part of the earth, "and the most civilized portion of mankind." To-day the whole of that centralized fabric has disappeared completely. But why? Each successive step in the dissolution is described,

indeed, by Gibbon with prodigious learning and rare descriptive power; so that, as we read, we seem, as in a dissolving view, to see each portion of the mighty prospect first displayed to us fading away in turn. But why did the view ever dissolve at all? To that question no decisive or finally satisfying answer will be found in those teeming pages. Nor, upon that fundamental question, do historians help us any more in respect to the similar falls of the Egyptian and Babylonian powers. Of description in each case there is always plenty: of explanation none. And the reader is left in each case to infer that military conquest by some stronger force than their own is the true cause of these great successive collapses.

Yet that explanation will not suffice. For Egypt, Rome, and Babylonia all, upon that view, should have died many times before their death. Each one of them was conquered by superior military forces many times before her fall; and, after every conquest, except the last, each remained more clearly than ever the chief seat of power in the world. Babylonia and Egypt present a picture of unceasing mutual conquest and re-conquest lasting over many centuries; yet each persisted through them all in retaining her full importance among nations, and even in greatly increasing it. Rome, from the day in 387 B.C. when the city itself was captured and burnt by the hordes of Gaul, so that nothing of it but the Capitol is said to have remained, suffered more than one similar desperate plundering and occupation, and yet still remained, after them all, the acknowledged seat of power and influence in Europe and the world. "Nothing can be "easier", says Professor Bury, "than to apprehend that the "Roman Empire endured, one and undivided, however "changed and dismembered, from the first century B.C. to "the fifteenth century A.D.".

Evidently, then, something more than military conquest is required to remove permanently to some new centre a seat of such power as each of these States in turn enjoyed. What is this something more? What is the true nature of the little pin which, like that of Death in the play, bored at last after so many ages of varying triumph and disaster through

the castle walls of these successive dominions, and brought them down in turn with crashes that shook, and still shake, the world? That secret, so far, has never been fully divulged.

Yet this at least is clear. If there really is in the possession of sea-centrality an advantage so great that it must necessarily lift a State up at last above all her neighbours, then upon her loss of that advantage there should also be seen in her a simultaneous and corresponding loss of international strength —for the loss of sea-centrality by one State necessarily implies its new possession by another. And is not this precisely what has been seen? Is not the story of the fall of empires marked, in fact, by that very same coincidence which marks their rise; by the coincidence, namely, of sea-centrality with overwhelming imperial power? And, if so, may it not be that in the fall of world-dominions as in their rise it is in truth this element of sea-centrality which has ever played the finally determining part? No valour, skill, or superior intelligence among the inhabitants of Rome during the ages of the Egyptian and Babylonian dominions could then have given them the sea-centrality of the trading world; for Rome was then situated far away upon its most distant western borders.

But, as all now know, the first and most ancient world of trade at last permanently expanded. Slowly at first, and then with startling rapidity, it spread away from the east and towards the north and west, finally reaching the general limits defined much later by Augustus as those of the Roman Empire. During all that process, it is obvious, the sea-centrality first of Babylonia and then of Egypt were being slowly and progressively undermined. During that same process, then, we should expect to find the power of each of those two paramountcies slowly and progressively diminishing. And that is precisely what we do find. The strength which ever goes with sea-centrality was slipping from them; their international influence failed accordingly; and when the power and glory which had been theirs appear once more together upon the earth, they are seen to be in the hands of Rome, and of Rome alone, the new sea-centre of the trading world.

There are, in truth, but two conceivable explanations of the rise and fall of great imperial powers. They are incon-

sistent with each other, one being wholly military, and the other wholly civil; and a choice must therefore be made between them.

According to the military theory of the rise of States to preponderant international power, it is supposed that, at a given moment in the history of the world, there arises in some specially favoured community of men a spirit of organizing, administrative, and defensive ability so strong and so persistent, as to render the community from that moment superior in the arts of ultimate success to all its immediate neighbours. Impelled by this new spirit, which may or may not be strengthened by the cement of a common and strongly held religious belief, the community proceeds first to organize itself and then, by force, to organize its neighbours upon its own characteristic principles; carrying in this way, by virtue of its innate superiority, its arms, language, letters, and laws into an ever-widening realm around it; and so at last presenting to the world the spectacle of a widely-spread imperial power with its centre at or near the spot where the spirit first descended.

Such, for instance, is the picture invariably given to the student of the long, majestic rise of the power of Rome; and such also, in brief, is the only explanation to be gleaned from the story as usually suggested of the rise of each of the earlier dominions before described. Upon this view of the matter, therefore, we must be prepared to see in the ancient centres of power still rearing their ruins to the sky at Babylon, at Nineveh, at Memphis, and at Thebes, the seats of this same masterful and imperious spirit supported and extended, over large portions of the world as then known, by the continuous operations of conquering armies; and we must, further, be content to ask no question as to why this spirit should have chosen to descend at those particular places at those particular times. This explanation, it will be seen, is metaphysical in character; though by no means to be rejected solely upon that account.

There is, however, another conceivable explanation of a wholly different order; for whose acceptance we may abandon altogether the military theory of mysterious spiritual visi-

tations in arbitrarily selected spots. According to this second explanation we are to suppose, on the contrary, that, as in the modern world of to-day, so in the ancient world of Egypt and Nineveh, the chief real activities of man were those, not of arms, but of trade; that in this, indeed, then as now, lay the true distinction, always felt, between civilized man and the barbarian. We are to suppose, further, that, then as now, trade was in fact the only process by which individual and therefore national wealth could be increased; that, for the exchange of commodities between nations the road of the sea, then even more than now, presented to traders its eternal and inherent advantages; and that, from the moment when we are first able to catch glimpses of its life, the world of civilization was in fact threaded over and over with the lines and routes of trade. And, on those suppositions, we are asked to observe that the successive concentration of great economic and political power at the head of the Persian Gulf, in Egypt, and at Rome, so far from being in any way mysterious, in fact wears an appearance almost of inevitability. For these places stood successively, as it has been shown, at the crossing and meeting-place of all the longer trade-routes of the world.

In choosing between these two opposing views, however, it is important to notice that civil trade and military force, though no relations, are yet fast friends. Trade cannot be conducted without order; and the maintenance of order has ever required force. Trade and force, therefore, have always gone largely hand in hand; and it is one of the undoubted oddities of history that, while the proceedings of force are always carefully recorded, those of trade are seldom recorded at all. For this reason the historical student may very naturally and easily come to assume that the rise of imperial States, always and everywhere, is merely a matter of superior military force; or, in other words, a manifestation in the rising community of some peculiar activity of spirit denied for the moment to its neighbours. Yet, if that be indeed the true explanation, it must at least be admitted that this mysterious spirit of world-dominion seems constrained to obey two very clear and highly material rules.

She descends upon men only, as we have seen, beside the sea; and only, as we have also seen, at the centre of the known world of trade. And so strong is her preference for these two material conditions that, when they cease to exist for any community, she also slowly spreads her golden wings and departs from it with them.

A preference of this sort, persisting uniformly through all the several dominations of recorded history, applying as well to their rise as to their fall, can hardly be purely accidental. It is indeed, impossible to consider the persistent association of imperial power in all ages with a situation of sea-centrality in the trading world, without perceiving that there is and must be between the two a necessary relation of cause and effect; that the true order of events in the rise of a State to international dominion is not first the appearance of a spirit in a people impelling them into military greatness from which trade, wealth, and order eventually flow; but rather, first, the appearance among them of those enormous economic resources which a position of sea-centrality must always give to any community possessing it; and then, in rapidly progressive degree, their natural train of riches, influence, order, and military power.

## IV

## THE SEA-CENTRALITY OF ENGLAND

THE suggestion made in the foregoing pages will seem to court, at first sight, at least two general and very natural objections. It will seem, in the first place, far too narrow and brittle. The attribution of all the successive imperial dominions of the past solely to their successive possession of sea-centrality, neglecting all those other human factors which give life and breath to history, will seem necessarily unsound and unhistorical. The greatness of a conquering and colonizing race, it will be said, cannot spring solely from mere geographical accidents. And it may further be objected, on the merits of the argument itself, that, so far as it has yet been taken, it may represent no more than an inversion of the truth: since it is at least as likely that the boundaries of the successive ancient trading-worlds sprang from and were fixed by the activities of their centres, as that those centres were indicated and supported by the activities of the trading-world. On that view of the matter, the invariable association which we have noticed between imperial power and sea-centrality, would be explained upon the ground that it was the imperial power in every case which caused the centrality, and not the centrality which caused the imperial power.

This view, however, in the first place, can never explain the fact that centres of great international power arise only by the sea; and on that account alone it must evidently be deemed incomplete. But even that consideration, conclusive though it is, need not here be pursued; since a final answer to both the foregoing objections is furnished by the well-

known story of the rise of the imperial power of England. Rome, Babylon, and Egypt, in the ancient world, may conceivably have radiated from their respective centres an original and originating energy which brought into order and civilized subjection the regions immediately around them. But that is certainly not true of England. No one can suggest that it has been England which has civilized and developed the entire habitable world. Rather, on the contrary, it is obvious that it has been the whole habitable world which has combined together, even though unconsciously, to develop the power of England. Nor, as we shall see, did that great development show the slightest sign of beginning until, during the sixteenth century of our era, England for the first time was brought into the sea-centrality of the world.

To appreciate, indeed, the obscurity, the remoteness, and the profound provincialism of England at all times before the geographical discoveries of the sixteenth century, it is unnecessary to do more than skim the pages of any writer who has even distantly approached the subject. To the men of Assyria and ancient Egypt her very existence was unknown. To a citizen of imperial Rome, seated in the centre of the world upon his warm and fruitful seas, surrounded by the wealth and learning of east and west and by a consequent luxury of which the earth had hardly before seen the like, the very names of Britannia and Londinium were a kind of synonym for the farthest ends of the world. The westernmost of those western provinces which, as Tacitus several times inaccurately observes, looked out upon no other land to the westward and bordered upon no free nations, the island was in fact to the Roman the remotest limit of the western world. Across its very face, indeed, it still bears a deep mark of that belief in the great, broad, and flat-bottomed ditch immediately behind the line of Hadrian's Wall; which ditch, stretching right across England from Newcastle on the east to the sea-coast at Burgh-by-Sands nearly five miles beyond Carlisle on the west, is now held to have been " not a military earth-
" work, for its design and its choice of ground make it quite
" impossible to treat it as a defensive fosse, but an indelible

" and unmistakable line drawn on the surface of the earth to " make the place where the civil government of Rome ended " and her military occupation of hostile territory began—for " Hadrian's forts were planted on the northern margin of this "ditch".[1] Beyond this ditch, the northernmost frontier of the Empire, lay only the savage wilds of Scotland, with Thule, "*ultima Thule*", at their northern end. England, in those conditions, was indeed remote from all the central movements of the earth.

With Gaul, no doubt, from neolithic times she had maintained a considerable intercourse and trade; and, lost in the northern seas though she thus originally was, the tradition of an ancient trade between England and the Mediterranean, before the Roman occupation of the island, is now known to have a sound historical basis. Her people, even as Cæsar found them, were numerous, highly skilled in agriculture, and the masters of great flocks and herds. But despite all these contemporary evidences of a very early foreign trade and of considerable internal development and prosperity, the Roman view of her as the most distant, negligible, and provincial of all the Emperor's provinces, was plainly at that time the true estimate of her position in the world. Nor, so far as her international influence is concerned, was that view of her substantially altered for many centuries to come.

Throughout all the great moulding movements of the Middle Ages, which slowly brought into being the elements of modern western civilization, England still remained immensely interesting indeed, turbulent, energetic, and individual in a high degree, and yet without any shadow of decisive influence upon the general current of European events. Of civilization in the modern sense, and all those decisive marks of it which can spring only from trade; of wealth, order, population, and, perhaps the most decisive mark of all, leisure, she showed in all those days no sign; and for centuries after her first welding into one more or less coherent nation by her Norman invaders, she appeared in Europe rather as a strange and promising disciple of France than in any international character of her own.

In the great adventure of the Crusades her part, though

[1] *Roman Britain*, by R. G. Collingwood, F.S.A., 1923; p. 26.

whole-hearted, was small compared with that of France or of the Germanies, whose troops always formed the greater part of the hosts; and it is noticeable that, even at that late day, the sea-work of these enterprises was carried on almost entirely by Italians. The light, moreover, which Europe received from this adventure; the vision of the domes and palaces of Byzantium "where the old skill and industry of "Rome and Greece had never been forgotten"; the taste for silks, spices, glowing fabrics, and the other glories and graces of the East; the knowledge of such things as printing and paper: all reached England later, and penetrated there less deeply than in any other portion of western Europe.

And when, in response to the demand thus slowly set up, a regularized system of trading between England and the Continent began, that trade, consisting in the interchange of English raw wool and metals for the cloth, wine, sugar, silks, and velvets of the more advanced communities of Europe, was carried on up to the fourteenth century in foreign ships, and almost exclusively by the "easterling" foreign merchants of the North German Hanseatic League.

In the fourteenth century, it is true, and then for the first time, an organized company of English merchants appears, trading in wool with Europe by way of Calais and the Netherlands; and, in the fifteenth century, English companies of merchant adventurers conduct in their own ships a more general trade with the Low Countries, Scandinavia, and the coasts of the Baltic. But, up to the middle of the sixteenth century, the very sails of all English ships were made abroad by the French [1]; English merchants and their vessels were excluded by force from the trade and harbours of the Hanseatic League; both the Baltic and the narrow waters of the Channel swarmed with Scandinavian and Breton pirates against whom, in the absence of any real national navy, the few English trading-ships were almost defenceless; the products of the true

[1] See *A History of the Administration of the Royal Navy*, by M. Oppenheim, vol. i, pp. 98 and 182. In 1550 a warrant for £70 11s. was issued by the Navy Treasurer to pay for "bringing over certain "Bretons to teach men here the art of making poldavies (i.e. sail-"canvas)"; and two of these Bretons were attached to Deptford dockyard. Oppenheim, p. 103.

civilizations of the south were brought to her from the Mediterranean by Genoese, Venetian, and Florentine seamen ; and, from whatever point of view her position be regarded, England in those days presents all the signs of a small and sparsely-peopled community, vigorous and highly individual indeed, but with her very individuality largely due to the enforced isolation of the main body of her people from the streams of learning, luxury, and culture, still flowing into northern and western Europe from the more ancient civilizations on the shores of the Mediterranean. And in this condition of international obscurity England, until the middle of the sixteenth century, remained.

But, long before that time the search for those riches and resources which trade alone can bring had greatly extended the limits and boundaries of the trading world. Before the year 1460, those great navigators the Portuguese "had colonized "the Azores and explored the Atlantic coast of Africa as "far south as Cape Verde ".[1] On the 12th October, 1492, Columbus sighted the Bahamas. Before the end of that year he had landed in Cuba and Haiti, and, exploring ten years later the southern coasts of the Caribbean Sea, had occupied both Columbia and Honduras in the name of his sovereign the King of Spain. In 1486, the Cape of Good Hope was rounded by Diaz ; in 1497, his great compatriot Vasco da Gama passed that Cape again on his way to become the first Viceroy of India ; by the end of the fifteenth century, Newfoundland, Venezuela, and Brazil had all been entered by Europeans ; and, in 1513, the Portuguese discoverer Balboa had sighted the Pacific.[2] By 1520, the Pacific had been crossed. The great age of discovery had begun.

And in that age, it is surely curious to observe, England took no originating part whatever. In all that great outburst of navigation and discovery, driven by the wealth-seeking energy of Europe far to the east and far to the west, and providing among many other things a completely new side to

[1] *The People in the Making*, by Sir Stanley Leathes, K.C.B., M.A., p. 283.

[2] Drake did not see the Pacific till sixty years later, on 11 February, 1573. *Voyages and Travels*, vol. ii, p. 269.

the globe, the men of England at first had no share at all. Wonder and interest, attention and curiosity, were doubtless aroused in England, as elsewhere, by the news of these strange events; but they were evidently the wonder and curiosity of men looking on at proceedings in which they had no part; and from which, by the whole course of their previous history, they felt themselves to be both naturally and economically debarred. In just such a way may wonder and curiosity have been aroused in the original inhabitants of the Seven Hills, by the news of the discovery by foreign seamen of a strange island off the northern coasts of Europe, inhabited by men of another race with the incredible name of Brythons. But, just as, with the opening to trade of distant lands to her north and west, the destiny of imperial Rome was later in fact inextricably bound up, so was it also many centuries later with the final destiny of England.

For, whatever may have been the effect of these immense discoveries upon the other nations of the world, their effect upon the situation of England is clear. From a position on the outermost fringe of the world of trade they brought her at one stride into its centre; endowing her once and for all with that attribute of permanent sea-centrality upon the globe which, as will be shown in a moment, she alone is able effectively to enjoy. For long ages the remote and distant Cinderella of the nations, she suddenly found herself seated, through no merit of her own, upon the steps of a throne; upon the steps of that throne of commercial and imperial power which, by some surprising fatality, as we have seen, always appears at the sea-centre of each successive trading world.

It is true that at the beginning of this great event neither England nor any other land could be aware of what had occurred. It is true also that the sea-centrality thus brought to her could not at once, nor for long afterwards, be made practically effective; since for long afterwards the western side of the new world of trade was hardly developed at all; while, upon the steps of her new-found throne, stood several other claimants far stronger and wealthier than she, with each of whom she would have to deal before she could

definitely ascend it. But as the outer circle of the world developed England developed with it; as intercourse strengthened between the new peoples thus brought into the world of trade, so England visibly strengthened with it; until at last her obscure beginnings were completely forgotten in a universal recognition of the fact that once again, and again in the precise sea-centre of the world, there had arisen a fourth widespread, imperial, and apparently irresistible Power. For, poor though they were and few,[1] without appreciable trade, manufactures, or shipping, and surrounded on every hand by wealthy and highly organized competitors, the small community of English shepherds and miners had no sooner been brought into the sea-centrality of the world than they began for the first time to appear in numbers upon the sea, and unconsciously to weave across its surface the fundamental fabric of their future strength.

At first, however, it must be admitted, the English view of the sea was strictly limited. Except by such men as Raleigh and the shrewd Bacon, no recognition was shown of the fact that the sea had now become the road of a world greater than had ever before been known, and so the necessary scene and agent of a general commercial activity upon a scale hitherto undreamed of. To the seamen of Elizabeth the sea was a road indeed; but a road leading in each case merely to some definite spot or other where wealth or fame, but particularly wealth, was to be found. Spain, Portugal, and Holland had been far quicker than they to realize the true character of the change which had occurred; and, profiting by the wealth of shipping which each already possessed, and by that share of sea-centrality which the recent discoveries had brought also to them, both these nations launched out far and boldly upon the road of the world; and in a few years had established at the extreme ends of the earth a wide and highly profitable colonial dominion. The full character and extent of those rapidly constructed dominions were revealed to the English by

[1] "In the twenty-fourth year of Queen Elizabeth [1582]", says Raleigh, "upon a general view and muster, there were found in England, "of all men fit to bear arms, eleven hundred and seventy-two thousand". *The Works of Sir Walter Ralegh, Kt.*, Oxford, 1829, vol. viii, p. 328.

Drake's two voyages of 1572–73 and 1577–80 ; and a complete collection of the confidential plans and papers, showing in detail the whole commercial and military organization of the vast colonial empire of Spain, was captured by Drake in 1587, together with much treasure, in the enormous Spanish galleon, the *San Felipe*, the private property of Philip II himself. All round the world ; in Mexico and along the whole northern coasts of South America known later as the Spanish Main ; in Peru on the Pacific slope of that continent ; in India, China, the Cape of Good Hope, and the islands of the Pacific, the power and settlements of the rivals of England extended ; and, supported by a highly organized network of sea communication, were already, in the last quarter of the sixteenth century, beginning to pour the wealth and products of the world at large into their treasuries.

In these circumstances it was evident indeed that, if England were to avail herself at all of the new situation in the world to which she had been brought, those rivals must be dealt with, and dealt with soon. A new world had been discovered, and, with it, a new centre to the world. But that new centre, like the world itself, had not as yet been finally determined ; and there ensued between the various nations occupying in general that newly-found centrality, a series of struggles for its effective use. In all the requirements needed for the successful prosecution of such a struggle, the island of England started far behind her several rivals. But she possessed over all of them certain permanent and, as it was soon to be seen, overwhelming advantages. For, unlike them all, she lay wholly in the road of the sea, having no land-frontier of any kind to care for ; and, unlike them all, she constituted in herself, and so inevitably commanded, the new sea-gate into Europe from the outer world.

That England is an island is, no doubt, well known ; but it may perhaps be doubted whether the extent to which that fact has lightened her burden in the world has ever been fully appreciated by her own inhabitants. Yet what country is there in Europe, or in the world, which would not be thankful to be relieved from all pre-occupation as to her land-frontiers ? Imagine France set free for ever from all anxiety as to the Rhine, Italy absolved from any care as to Austria, India

released from her eternal frontier guard. The cares of a land-frontier can never sleep ; and, as will appear later with great clearness, the absence of a land-frontier and of all its ceaseless anxieties in time of trouble gave to England at the opening of her power, and gives her still to-day, a freedom, if she chooses to use it, to concentrate solely upon the sea-activities of the world which none of her neighbours can enjoy. And more than that : it forces her, whether she likes it or not, to look to the sea and to the sea alone as her sole means of communication with the outer world.

From the fact, then, of her insularity England was not only able, but was forced, from the very beginning, as no one of her rivals was, to bend to the work of the sea her undivided strength. But her particular form of insularity had other and even more striking merits. It was an insularity so contrived by nature as to render inevitable from the first her possession in an overwhelming degree of all those advantages in which sea-centrality consists. For, not only did she stand, an island, at the new central crossing of the roads of the world ; but she stood also, and still stands, as must now be explained, in the midst of the only gate by which Europe can be approached by the world outside.

Considered for the moment purely from a commercial and an economic point of view, the Europe of the sixteenth century differed widely from the Europe of to-day. The relative distribution of population, of wealth, and of consequent economic demand for commodities, appears indeed to have changed but little ; the chief bulk of consuming Europe lying then, as now, between the Atlantic on the north and west, and the Alps and Carpathians to the south. But the populations of this great territory were then far smaller than they are now, and far more self-supporting ; smaller and more self-supporting from the necessities of their case ; for the whole world of trade was then still small, and, even the short road of the sea encircling them all was as yet barely available to them. Still organized fundamentally on the basis of the Roman dispensation, and still having only the distant East to look to, the sea-road into Europe ran from the East to Venice or Genoa, and thence overland into eastern and central Europe ;

or else, in order to save the expense and labours of land-carriage, from Venice or Genoa by sea through the Straits of Gibraltar to Holland and the Baltic ports. But, when a new side was opened upon the world by the discovery and gradual settlement of America, a new road also appeared; the great road of the Atlantic along which the wealth and products of the Indies, both east and west, began to pour into the broad lap of ancient and astonished Europe. At once, and inevitably, the old road by Venice and Genoa began to decline in importance.

The commercial gate of Europe shifted from the Mediterranean to its Atlantic coast: where, and where alone, it still remains; and the products of the earth in general, whether from the east or from the west, began to enter Europe, not by way of the Mediterranean coast, but by one or other of the ports compendiously known to modern ship-owners as "L.H.A.R.", namely, London, Hamburg, Antwerp, or Rotterdam.

This great change in the direction of European trade was not, of course, effected at once. For long, indeed, after the discovery of the Indies, the part played in the new Atlantic traffic by the empire of Spain, and by Portugal, brought the ports of the Spanish peninsula as far south as Cadiz into the general sea-gate of Europe; and the whole Atlantic coast of Europe from Cadiz to Holland, as well as the Hanse Ports of the Baltic as far east as Dantzic, received at first their respective shares of the new Atlantic commerce. Gradually, however, with the loss by Spain of her American trade and possessions, and with the fall of the Hanseatic organization under the pressure of Dutch competition, the effective sea-gate into Europe became shortened at each end; so that, for the reception of her over-sea commerce, Europe came to rely upon ports lying within two lines that can be definitely drawn upon a map, one from Cape Finisterre to the Orkneys, and the other from the Orkneys to the Naze of Norway.

These two lines constitute in truth the sea-gate of Europe. No other is possible, except that of Italy and the Mediterranean coast which it has in fact, for overwhelming commercial reasons, completely superseded. Across one or other

of those two lines, then, but preferably across that stretching from Cape Finisterre to the Orkneys, all the products of the earth destined for Europe must pass.

Now it is not possible to glance even cursorily at this state of affairs without perceiving that, in regard to this gate, England occupies a wholly exceptional position. She is in the very midst of it and inevitably, if she chooses, commands it. She and the waters immediately around her in fact constitute the gate, and the only gate, by which the rich and populous nations of Northern Europe can either send or receive their commerce over sea.

If Germany or Holland, Austria or Northern Russia, Belgium or Sweden, Poland, Denmark, or any other State on the Baltic desires to trade by sea with the outer world, her ships and goods must pass perforce through English waters and almost under the shadow of the English coasts. This, though doubtless a mere accident of geography, is yet, so far as Europe is concerned, an accident of a somewhat startling character; and one which, if it stood alone, would go far to explain the peculiar completeness with which England has been able to use to her profit the economic advantages of her world-centrality. But it does not stand alone. It so happens, also, that England possesses along her 1,600 miles of coast-line a profusion of natural harbours unmatched by those of equal coast-line in Europe.

Let any seaman, for instance, compare the harbours of England along the northern shore of the English Channel with those of France along its southern shore. The difference is striking in the highest degree; and no seaman needs to be told what that difference implies. It means that trade entering the European gate by way of the English Channel will ever tend to use the ports of England rather than those of France. It is at Falmouth, and not at Brest, that ships call for orders as to their final destination on the European range; and this preference for natural harbours, as against artificial and tide-bound basins, operated from the first as strongly as it does to-day in reinforcing the position of England as the chief magnet for sea-trade in Europe.

Here, then, when she first descended upon the waters to

THE
SEA-GATE
OF
EUROPE
Scale of Miles
0 200 400 600
40° 20° 0° 20° 40° 60° 80°
Iceland
Arctic Circle
NORWAY
SWEDEN
FINLAND
Orkney Is.
Oslo
Helsingfors
Stockholm
Leningrad
ESTONIA
The Naze
SCOTLAND
Edinburgh
DENMARK
Copenhagen
Riga
LATVIA
Moscow
IRELAND
Dublin
NORTH SEA
BALTIC SEA
LITHUANIA
Danzig
ENGLAND
London
HOLLAND
Berlin
Warsaw
RUSSIA
English Chan.
BELGIUM
GERMANY
POLAND
Paris
CZECHOSLOVAKIA
C. Finisterre
SWITZ.
AUSTRIA
Vienna
HUNGARY
ROMÂNIA
CAUCASUS
CASPIAN SEA
FRANCE
ATLANTIC OCEAN
ITALY
YUGOSLAVIA
Belgrade
Bucharest
BLACK SEA
GEORGIA
Lisbon
PORTUGAL
Madrid
SPAIN
ADRIATIC SEA
BULGARIA
Sofia
AZERBAIJAN
ARMENIA
Rome
ALBANIA
ASIA MINOR
MEDITERRANEAN SEA
Gibraltar
GREECE
Smyrna
TURKEY
IRAQ
PERSIA
Athens
FR. SYRIA
AFRICA
W. of Gr. 0° E. of Gr.
Stanford's Geogl Estabt London

contest with France, Holland, and Spain for the effective sea-centrality of the world, were already certain formidable advantages upon which England could count. But even these were not all. Not only did she stand in the very mouth of the sea-gate of Europe, furnishing that gate, as none of her rivals could, with wide, deep, and natural harbours; not only was she alone relieved by nature from all the cares, anxieties, and expenses of a land-frontier and so able, as they were not, to apply herself with a single mind to the sea-work before her; but she also permanently and physically divided Europe into two. Lying directly and inevitably across the only road of sea by which the north and the south of Europe could combine their resources against her, she was always able, if she would, to frustrate any such combination of forces and to deal with her enemies separately rather than together. In this respect, indeed, she possessed something more even than the sea-centrality of the world. She possessed also the sea-centrality of Europe. And armed with these two weapons—for she had no others—she proceeded, in the latter half of the sixteenth century, to seek for herself upon the seas that footing which hitherto had been steadily refused to her people.

Her original rivals in the competition for the sea-strength of the world were Spain, Holland, and France; and of these the Dutch inhabitants of the United Provinces were always by far the most formidable. An astonishing contemporary picture of the Dutch control of world-trade, at the beginning of the seventeenth century, was presented to King James I by Raleigh (though written, as some believe, by Mr. Alderman Cokaigne) in the early years of that monarch's reign.

"The Low Countries", says this writer,[1] "have as many "ships and vessels as eleven kingdoms of Christendom have, "let England be one, and build every year near one thousand "ships, and not a timber-tree growing in their own country. ". . . . We send into the east kingdoms yearly but one "hundred ships, and our trade chiefly dependeth upon three "towns, Elbing, Kingsborough and Dantzic, for making our "sails and buying their commodities sent into this realm at

[1] *The Works of Sir Walter Ralegh, Kt.*, vol. viii, p. 364.

" dear rates, which this kingdom bears the burden of. The " Low Countries send into the east kingdoms yearly about " three thousand ships, trading into every city and port-town, " taking the advantage, and vending their commodities to " exceeding profit, and buying and lading their ships with " plenty of those commodities, which they have from every " of those towns 20 per cent. cheaper than we, by reason of " the difference of the coin, and their fish yields ready money, " which greatly advanceth their traffick and decayeth ours. " They send into France, Spain, Portugal, Italy, from the " east kingdoms that passeth the Sound, and through your " narrow seas, yearly, of the east country commodities, about " two thousand ships, and we none in that course. They " trade into all cities and port-towns in France, and we " chiefly to five or six. They traffick into every city and " port-town round about this land [England], with five or six " hundred ships yearly, and we chiefly but to three towns in " their country, and but with forty ships."

In short, says he, " The merchandises of France, Portugal, " Spain, Italy, Turkey, East and West Indies, are transported " most by the Hollanders, and other petty States, into the " east and north-east Kingdoms of Pomerland, Spruceland, " Poland, Denmark, Sweedland, Leifland, and Germany, and " the merchandises brought from the last mentioned kingdoms, " being wonderful many, are likewise by the Hollanders and " other petty States most transported into the southern and " western dominions " ; " and yet ", he adds, in a phrase of " far-seeing and prophetic truth, " the situation of England " lieth far better for a store-house to serve in the south-east and " north-east regions than theirs doth, and hath far better " means to do it, if we will bend our course for it ".

In that last sentence our writer touched a truth which was soon to become apparent far beyond the councils of that amazing community of Dutchmen who, without timber, coal, or metal in their land, had yet, by steady reliance upon the harvest of the sea, raised their cold and sandy wastes to so great a height of wealth and credit in the world.

For the " situation of England " in respect of trade was indeed, as we have seen, far different from theirs. The Dutch

had originally been driven into the commercial leadership of the seas by their own natural poverty; and had reaped in full that reward which the sea never fails to give to them that trust it. But the English of the seventeenth and eighteenth centuries were floated, as it were, into that leadership almost by the force of nature herself.

In every requirement of maritime trade the situation of England surpassed that of Holland. The 300 miles of shallow Dutch coast-line, with its three great ports of Antwerp, Rotterdam and Amsterdam, compared but poorly in attraction for sea-trade with the long array of open harbours, and the 1,200 miles of purely English coast, by which it was permanently confronted across the narrow waters and as permanently guarded and covered from access to the open road. Against such advantages, when once they began to be used, it was impossible even for the Dutch to compete; and such English actions as the passing of the Navigation Act of 1651, whereby Dutch and all other foreign ships were forbidden to trade with English harbours at all except to land their own countries' products, did but hasten by violent means a process which nothing in any case could have stopped. The mere fact, indeed, that by this Act, in the words of Mr. Edmundson, "a deadly blow was struck at "the Netherlanders, who had at that time almost a monopoly "of the most important branches of sea-borne trade and were "the carriers of the world",[1] shows plainly enough that even at that time the carrying-trade of Europe could not be carried on without the use of English harbours. Still less could it be so carried on to-day.

But it was not only in these respects that the position of England availed to assist her in displacing the Dutch. For Holland was not, and could not be, concerned with sea affairs alone. Her land-frontier, unhappily for her, needed constant and extremely expensive attention; and when, after the peace with England in 1674, William of Orange embarked her great resources in resistance to Louis XIV rather upon the land than upon the sea, and continued that policy for her as Stadtholder after he had himself ascended the throne of England, the doom of Holland's sea-dominion was sealed.

[1] *Anglo-Dutch Rivalry*, pp. 154 and 155.

During the joint operations of the Dutch and English fleets in the following wars, the Dutch admirals sat in naval councils of war "below the junior English captain"[1]; and at the Peace of Utrecht the Dutch, though on the victorious side, obtained no gain whatever beyond the saving of the Spanish Netherlands from France and their transfer instead to Austria. From that moment Holland ceased to be numbered among the great Powers of Europe. A door into Europe for the riches of the outer world she remained, and still remains, but a door thenceforward covered and commanded by that great outer sea-gate of which England forms part, and of which she must ever, if she chooses, hold the key.

By her insularity, then, which permanently relieved her from immediate continental and military cares, and by her position in regard to Europe which made her the inevitable mistress of its gate, England in a little more than a hundred years, had extinguished the only one of her rivals which had seriously contested with her the commercial supremacy of the sea. It is not, of course, pretended that this extinction was accomplished without fighting; for at sea as elsewhere force must play its part. But the force which, during the process of this extinction, England was able to find and to use was itself the child of the two attributes above described. It was her insularity alone which enabled her to wield it as she did, with a single-minded regard to the development and business of the sea as opposed to those of the land; and it was her position in the gate of Europe which alone enabled her not merely to prevent, as she steadily did prevent, any junction against her of the naval forces of northern and southern Europe, but also to attract to her harbours and to the relatively safe carriage of her ships, both in peace and war, an overwhelming proportion of the sea-trade of the earth. From which last arose that surprising wealth which from the eighteenth century to this day has always enabled her to equip and keep in motion against her enemies on land a varying, but sometimes very large, proportion of the armies of Europe.

From the moment, indeed, when England first whole-

[1] *Influence of Sea-Power upon History*, p. 68.

heartedly entrusted her fortunes to the sea, her rise among the other nations of Europe never once declined. In the sixteenth century, as we have seen, she was still a remote island on the edge of the world, without population, scholarship,[1] shipping, manufacture, oversea trade, or any sign of great international influence. By the end of the seventeenth century she had become a recognized Power in Europe of the most formidable description; demanding and obtaining reparation for her ancient wrongs in the Baltic, throughout the Mediterranean, against the Barbary States, and in the farthest East and West Indies; owning already Bombay in the east and Jamaica on the west; and forcing even King Charles II, much against his will, to inform the surprised ambassador of King Louis XIV that " It is the custom of the " English to command at sea ".

And in a further fifty years, by the middle of the eighteenth century, her name and influence had spread across the earth, upon the ruins of all her rivals' dominions, to nearly every quarter which the sea could reach. Gibraltar and Port Mahon in the Mediterranean, the entire eastern side of North America, all the most valuable colonies of France and Spain, all the more important West Indian islands, and the great empire of India itself, had then by successive treaties been brought under her sole control; and before the end of that century, despite the inconceivable blunders both political and military which lost to her for ever, in 1783, a large portion of her North American possessions, England had come perforce to be recognized by all the world as the heart and centre of a world-wide dominion, which no great Power on earth either would or could safely affront.

It will be admitted that a change of this sort, produced in so short a time, progressively, half-unconsciously, and yet almost without pause, has about it certain elements of the strange. Nor can there be any doubt as to the true means by which it had been effected. In all the land campaigns which covered Europe during its progress, except only in those of Marlborough during the War of the Spanish Succession, England played but a very slender part; and the great

[1] *Tudor Ideals*, by Lewis Einstein, New York, 1921; p. 318.

majority of her attempts at direct military intervention on the Continent were far from strengthening to her in any respect. But upon the sea, despite one short and sad vicissitude during the reign of Charles II, the hold of England, both military and commercial, steadily and progressively increased. Under Elizabeth it began. Under Cromwell it was boldly maintained and extended. And when, after the eleven years' desperate struggle of the War of the Spanish Succession, the final accounts of Europe came to be made up in the Treaty of Utrecht of 1713, who at last was found to have reaped the benefit? The answer is plainly set forth in the further questions of Captain Mahan :—

"Was it France, whose only gain was to seat a Bourbon on "the Spanish throne? Was it Spain, whose only gain was to "have a Bourbon King instead of an Austrian, and thus a "closer alliance with France? Was it Holland, with its "barrier of fortified towns, its ruined navy, and its exhausted "people? Was it, lastly, Austria, even though she had "fought with the money of the sea powers, and gained such "maritime States as the Netherlands and Naples? Was it "with these, who had waged war more and more exclusively "by land, and set their eyes more and more on gains on the "land, or was it not rather with England, who had indeed "paid for that continental war and even backed it with her "troops, but who meanwhile was building up her navy, "strengthening, extending, and protecting her commerce, "seizing maritime positions—in a word, founding and rearing "her sea-power upon the ruins of that of her rivals, friend and "foe alike?" [1]

The contrast between the England of 1563 and the England of 1713 is indeed prodigious. In that short period she had become transformed from a strange and obscure island off the coast of Europe to the greatest commercial and maritime dominion upon earth; had absorbed the far-spread possessions of every one of her rivals; and, though starting upon this course much behind them all, had once more presented to the world the age-long spectacle of an overwhelming inter-

[1] *The Influence of Sea-Power upon History*, by Captain A. T. Mahan, United States Navy. 8th Edition, p. 223.

national strength arising as it were by nature at the sea-centre of the world. No comparable phenomenon had ever before been witnessed. Great dominions and a world-wide centralized economic power had both existed before, as we have seen. Rome, Egypt, Babylon, and perhaps other States before them now unknown, had all enjoyed them. But those dominions had all been of very slow growth; and a rise to international power so great, so broadly based, so undeviating, and, above all, so rapid as that of England had never before been seen upon the earth.

What did it mean, and how may it be explained? Have we here again merely the last and most striking instance of a visit to some arbitrarily selected community of our old friend the spirit of dominion? Are we to believe that, at the very moment when, for the first time and without herself being in the least aware of it, England was brought by the discoveries of other nations into the supreme sea-centrality of the world—at that moment, and at no other, the spirit of empire chose to touch and completely to alter the hearts and abilities of her people? To believe this would indeed be to consent to an inversion of history; for in her case, it is certain that the spirit did not appear at all until after her centrality had in fact been fully established. Does anyone believe, moreover, that this spirit might equally well at the end of the sixteenth century have visited a race upon the Danube, in Asia, in central Africa, or in the distant wilds of America?

Is it not obvious that, in the case of England at least, the civil and not the military theory of the rise of States must be adopted; that her sudden and strangely persistent rise from that time cannot be dissociated from those geographical accidents of position upon which historians have been little accustomed to dwell; and that her present commercial and military situation among the nations of the earth is due at least as much to her possession of that astonishing combination of accidents, as to the undoubted skill and valour with which, unconsciously at first, but consciously at last, she finally undertook to use them?

But if this is obvious, two conclusions inevitably follow. The first is that, looking back through all recorded history,

we are justified in ascribing to their successive possession of those same advantages of sea-centrality the rise of every great and permanent dominion hitherto known; and the second is that, founded as it is upon the sea-centrality of the entire and now completed world, the power among nations of the island of England can never fade. The race of Englishmen may do so, and their place may be taken by others. But, if the foregoing analysis be sound, the final seat of power in the world must ever remain in England.

## SEA-CENTRALITY IN ACTION

TRADE consists in movement, the movement of actual commodities. Where the movement of commodities between two persons is permanently impossible, trade between them is impossible also. The movement of things other than actual commodities, such as credits, documents, or rights, is not trade, but an adjustment made in contemplation, facilitation, or consequence of trade. Such adjustments add nothing of themselves to the resources of the world, though they may be essential preliminaries to a trade which will. Neither is production or manufacture trade, but merely a preliminary to trade. Production of itself adds nothing to the wealth of the world and, if unwisely directed, may greatly diminish it. Production, moreover, requires for the assembly in one spot of its several raw materials a considerable preliminary trade before it can be undertaken at all; and it is only after the process of production is finished that the articles produced can be made the subject of trade, and then only by being moved from the factory into the distributing system, and so, often by very long roads, to their respective markets. Trade, in short, is the exchange of material commodities with a view to financial profit; and its unfailing and essential characteristic is the actual movement of commodities from one place to another.

Trade, if it is not to cease, must furnish a financial profit both to the buyer and to the seller. Blessing him that gives and him that takes, it is accordingly the only method yet discovered by which the material wealth and resources of mankind can be increased. It has made available to man

every physical object which he can use or need; and the overwhelming majority of those objects could never even have been produced without it. The few raw materials available to a man in his own immediate vicinity can never suffice for more than the simplest, most laborious, and most precarious sort of life; and a man attempting to live without availing himself of any of the machinery of trade might perhaps be self-sufficing but, for that very reason, would be poor and hard-worked indeed. A self-sufficing man, like a self-sufficing community, can have but limited material resources, and is necessarily deprived of that economic wealth which consists in the power to command at will a share of the combined resources of mankind.

If, then, civilized man is not to sink back into the economic simplicity of the savage, trade is essential to him; and it is in truth the only means by which, in anything like his present numbers, he can hope even to be kept alive. If Europe were suddenly deprived for twelve months of all communication with the outer world, some basis would no doubt be found there upon which to maintain human existence. But that basis would itself necessarily be founded upon internal trade; it would be a basis very different from, and far more primitive than, that at present existing there; and it is certain that, with the diminution of its material resources, the population of that continent would be found at the end of the period to show clear signs of diminution also. If a smaller modern community were cut off from all outer trade in this way, these results would be seen in much more marked degree. If England were so isolated for such a time, it is probable that, at the end of it, one-half of her present population would be dead. And if internal trade could in any way be completely prohibited in a country, that country would instantly revert to barbarism.

But though the vital necessity of a continuous interchange of commodities is thus clearly to be perceived, it may be doubted whether this fundamental necessity of trade as the fashioner and upholder of civilization is even to-day universally appreciated. Trade seems often still to be regarded as a mere incident or luxury of life; a thing which men may

take or leave as they choose ; a matter of interest to those actually engaged in it, but so smooth and general in its myriad effects as to be taken for granted by the generality of men. Yet trade, in truth, is no such casual affair. The enormous fabric of movement in which it consists, embracing the whole earth, affecting the lives of even the most forsaken and desolate communities, conjuring up out of nothing, as on the sandy wastes of Holland or in the small island of England, fountains of world-wide energy and strength, is no mere incident of or excrescence upon human life and never can have been so. It is the essential spring of that life ; the urgent condition which alone makes it possible. To increase and multiply his own species was the first commandment given to man, but it was coupled with the correlative injunction to replenish the earth and subdue it ; and trade alone is able both to replenish and to subdue. Man can no more live without it than without air or water. The movement of commodities is that circulation of the blood upon which the life of the world directly depends ; and, in precisely that sense, is the life of the world itself.

Now the movement of commodities over the surface of the earth is a process necessarily conducted over some form of road ; and, whether they be of earth, of sea, or of air, it is along the roads of the world accordingly that its essential life must flow. But it will be found true of all roads that they serve and lead to some recognized central place whence distribution can most effectively be conducted. Such a centre is furnished, for instance, by the local market town in a country district, from and to which, by a network of roads contrived expressly for the purpose, a constant stream of commodities may always be seen in motion ; and that country town itself will be linked by other roads to other and larger distributing centres, from which the infinite variety of its own local needs can always be supplied. At last, therefore, by a progressive extension of this system, some chief and central emporium for the whole community is arrived at. To that emporium all roads at last will lead ; and there will be gathered together, in greater profusion than elsewhere in the community, a central store of its requirements and a central machinery for

their distribution. From and to that place free and continuous access is essential in the interests of the whole community; for movement in and out of it, and movement upon a great scale, is the breath of its life. Such at all times and in all countries is the general and inevitable organization of the machinery of exchange. Trade works, in short, by a system of local trade-centres, not necessarily or usually in direct communication with each other, but all linked at last, through one or more intermediary centres, to the chief emporium of the community. And as to the situation of that chief emporium no doubt at all can exist. It arises out of the very nature of trade itself; and it is the central seat and storehouse of the community's economic or trading strength.

So it is also, and so it must be, with the larger trading community of the world. The problem of enabling an individual at one end of the earth to exchange his products continuously and at will for those of other individuals at other ends of the earth might well seem at first sight, considering the many millions of individuals concerned, to be utterly insoluble; and so it would be if each individual's requirements had to be separately considered by one central authority. But what happens in practice is that each individual avails himself of the system of emporia built up for him as above described; sends his own products to the nearest centre, and makes known, at that centre, what it is in all the world that he requires in exchange for them. His product and his demand are then both merged into the general system of world-movement with which the local centre concerned is linked; out of that centre, a mere speck in the general stream, go his products, and into it, also a speck in the stream, come the goods that he requires in exchange for them, from the other end of the world. In this way the problem is solved with ease, freedom, and despatch, and with a financial profit, be it observed, to everyone concerned at every stage of the proceedings. It can be solved in no other way whatever, and never could have been. Yet upon its continuous solution, as we have seen, depends the whole economic life of the world.

But, in bringing thus into relation with each other all the dwellers upon earth, the system works of necessity upon a

scale larger than that which will suffice for its more localized manifestations. Dealing with the whole world, it must necessarily also employ the road of the whole world ; and this, as we have seen, can only be the sea. All the long roads of the sea, therefore, should be found by analogy to lead at last to some central storehouse and emporium which, from that fact alone, will be the chief centre of economic strength in the world. This storehouse evidently cannot lie away from the sea, for so it would be off the road by which it lives and acts ; but, founded in and arising from the practical necessities of actual world-trade, it will obviously be so placed as to be accessible to as many different sea-roads as possible ; because it will be from the movement on those roads, and from that movement alone, that its importance and functions will derive. At the centre of the world of trade, then, and as nearly as possible to the crossing of its several main roads, should be found the emporium desired.

Reasoning thus from the nature of trade itself, we are brought back once more to the same conclusion which historical inquiry has already shown to be true : that a position of effective sea-centrality in the trading world always endows its possessor with predominant economic strength. And, if that proposition be accepted, the purely economic portion of the strength of England in the modern world is permanently explained.

A central emporium of this kind, however, will evidently bear certain marks by which it may be recognized. Standing at the crossing of the sea-roads and acting as a chief distributing agent of the commodities which flow along them, it will naturally, in the first place, be the scene of a larger and a more varied accumulation of all kinds of merchandise than any other spot can show ; and of that accumulation, a large and quite unusual proportion will be found to arrive there merely for the purpose of being sent on again to somewhere else. Such an emporium, moreover, must necessarily be in close and continuous business relations with every part of the earth, and must so manage those relations that traders throughout the earth will trust it ; from which trust, in turn, will arise a central reputation or credit upon which, as on a pivot, the whole movement of the world will come increasingly

to turn. And, being thus known to and trusted by traders all over the world, it will find in the mere lending of its credit to them for short periods, a means of profiting very largely even from the movement of commodities which never come near the emporium itself at all.

So great and far-reaching in these circumstances will be the commercial importance of this place, that as soon as anywhere in the world a trader succeeds in creating a business of any size or value, he will find himself bound to be represented, and skilfully represented, there ; whence will arise in that place direct representatives of every form of the world's activity. Nor can the producers and manufacturers themselves afford to be absent from it ; for it will be here, above all other places, that their products will be bought and sold. And the producers who will be represented there will be not only native producers ; but also and for the same reason, the chief producers of the whole world.

Along the streets of this world-centre of trade, accordingly, will be seen in far greater profusion than at any other place, the agents and representatives of all the commerce of the earth ; and consequently, far more intensely than elsewhere, every form of the apparatus of law, credit, transport, storage, markets, exchanges, insurance, and finance needed for the conduct of the whole immense movement concerned. There, in a word, will be the nervous centre of the whole organism of that movement in which the life of the world consists. And this centre, with all its necessary accompaniments of predominant wealth, population, and economic strength, will have arisen, and will be maintained, solely and inevitably from the imperious demand of all mankind for means to exchange commodities. Its function is the rendering of a vital service continuously demanded by the whole world ; and, resting thus upon service and not upon force, its strength can hardly be overthrown from outside, or even permanently abandoned from within. For a central emporium the trading-world must have ; and a central emporium, if a truism may here be forgiven, must ever be at the centre.

But these conclusions, it may be said, are abstract and general. If they are to be accepted as true, their truth should be seen in concrete operation. At the meeting of the

sea-roads of the world an actual central emporium of world-trade bearing in unmistakable fashion all the marks above described should be found; and since England alone effectively occupies that geographical seat, she should now in fact present all these remarkable signs of central economic power. It is certain that she does present these signs. But the extent to which and the manner in which she now presents them can hardly be realized without a slight sketch of the normal chain of bargains involved in any ordinary operation of world-movement: such, for instance, as the bringing of wheat from the Argentine to the table of an artisan inhabiting, let us say, a small town in Italy.

In this case we have at one end of the world the owner of a crop of wheat still growing in the soil of South America; and, at the other end of the world, a workman to whose table some infinitesimal portion of that crop has sooner or later and somehow to be brought. It is clear that this feat is not to be accomplished by direct communication between the Italian artisan and the South American grower; and that, if it is to be accomplished at all, it can only be by a merging of the tiny demand of that individual Italian into the general machinery of world-movement; without which the wheat-grower will lose his market and the European workman his bread.

What specific operations, then, in this simple instance, has that general machinery to perform? Firstly, the wheat, still growing in the ground, must be fully harvested and brought in saleable condition to some suitable South American port of loading and shipment; secondly, a ship able and ready to carry it must be provided at that port at the moment of the wheat's arrival there; thirdly, the ship must carry the wheat safely to some European landing-port, where previous arrangements must have been made for its reception and storage on arrival; fourthly, from that landing-port arrangements must be made for its distribution as required to innumerable places, large and small, and, among others, to the town where dwells our artisan; and, fifthly, during the whole of these operations, the wheat must be protected from the continual risks of loss or damage in transit by the very complicated commercial device known as insurance.

Now it will be obvious that, in the conduct of this series of transactions, a very large number of people are necessarily involved. It will further be observed that all these persons require prompt payment for their services, and yet that, until the whole cargo of wheat has been finally and actually sold to its thousands of consumers in Europe, it can have raised no really new fund from which to pay them. Credit therefore, that beneficent and all-embracing essential of the world's life, must necessarily play her part throughout the whole matter; and credit is in fact invoked in it from the beginning to the end.

The grower, needing cash with which to pay his harvesters and railway-freights, and neither knowing nor caring where or to whom his wheat may eventually chance to be sold, provides himself with cash by selling his crop as it stands to a firm of wheat-shippers in South America, who have embarked their capital in maintaining warehouses and loading facilities at the port of shipment. He takes from them, in return for his crop, a piece of paper representing a portion of their credit, and so convertible by his local bank into cash either at definite later dates, or at once, as he may prefer.

The shippers, thus possessed of the crop, merge it at the port of shipment into many other similar crops similarly purchased by them, hire the shipping required to transport it, load it aboard, and launch it forth upon the seas towards Europe; and the ship herself, not yet paid for her services, provides herself, before she can sail, with stores, bunker-coal, and other necessaries for the voyage, by pledging to the sellers of those necessaries upon further pieces of paper the credit of her owners at the other side of the world.

Thus safely in transit upon the seas, the wheat may be and probably is bought and sold many times, while still at sea, by a succession of bargains made first between the original shippers and merchants in Europe, and then very possibly between those European merchants themselves; whose business it is to watch and eventually to supply the demand for wheat of the whole world, as expressed by the movements of its price at various places. Those bargains are all conducted without the intervention of cash and by means of documents of credit alone.

Meantime the wheat itself is approaching Europe. Bills of

lading for it, signed by the master of the carrying ship, and entitling their lawful holders to physical possession of the cargo, will already have reached European shores. As the ship nears Europe, or on her arrival there, orders will be sent to her as to her final port of discharge according to the requirements of the merchant into whose possession the wheat has finally come; and the bills of lading will be found awaiting her in the hands of that merchant or his agents. On arrival for discharge, the wheat will be landed and dealt with according to his orders; being either despatched in bulk to some further distributing centre, or stored at the arrival port for eventual distribution from there. At last, from one such centre and probably after several further transits by sea or land, some small portion of the original cargo reaches the local centre serving the daily economic needs of our artisan; and, of that small portion, a smaller part still is purchased for cash by its actual and final consumer, who takes it home, bakes, and eats it.

In this long process, as it will be seen, the essential ingredients are: firstly, credit or trust between all the principal firms and persons concerned; and, secondly, some means whereby the chain of persons successively interested in these parcels of wheat may know from hour to hour every change occurring in the world's wheat prices, and so be able at every moment to meet it by bargains with other merchants engaged in the same business. It requires, in short, a network, both in Europe and in South America, of buyers and sellers not merely of wheat, but also of shipping-tonnage, bills of exchange, insurance-risks, bunker-coal, and the rest; all linked together by a working degree of trust in each other, and all able with great rapidity at every stage in the proceedings to meet, bargain, arrange, re-arrange, adjust, and direct the affair. For this latter purpose some centre is plainly required at which these countless bargains may conveniently be made; and this centre will evidently be that place, if possible, where the leading dealers in all these things are to be found in the greatest numbers.

Now, as regards the overwhelming majority of such transits as that considered above, this necessary centre will be found

in London. It is not here a question merely of the wheat received from oversea by England herself, and so merely of commodities actually reaching or leaving her shores. It is a question rather of where we are to look for the chief seat of practical trade direction and control in the world, the centre of credit most generally used, the meeting-place where merchants, brokers, agents, and bankers engaged in world-trade most numerously resort. And to that question there can be but one answer.

In England at last, if the truth of much more than half such transits were fully laid bare, would be found the final credit invoked alike by the grower of the wheat who parted with his crop for a piece of paper, by the ship-owner who sent his ship to load it in distant parts, by the coal merchants who gave her his coal, by the successive merchants who bought and sold the cargo on the seas and after, and by the insurers who at every stage covered ship and wheat together with a magic mantle of commercial security, enabling it in practical safety to be lifted across the world.

For the Bill on London is still the principal credit instrument of the movement of the world. Of every three ships that sail upon the seas one is English. Of all the ships chartered for commercial service at sea, it is estimated that more than one-third are so chartered either in England, or on behalf of a commerce in which England in one or more respects is directly interested. For it must be remembered that a very considerable proportion of apparently foreign enterprise is in fact conducted with English capital, and so for the benefit of English stock-holders; whose total oversea investments in 1922 amounted to over £3,500,000,000, and who in that year alone subscribed on the London market no less than £135,000,000 towards this total.[1] In this way, for all the greater economic movement continuously increasing the wealth and resources of mankind, England is in a predominating degree the true pivot and centre; and this as well in respect of goods leaving or entering her own shores, as of goods which never touch those shores at all.

Nor, in these vital and manifold respects, is her position

[1] *Memorandum on Balance of Payments and Foreign Trade Balances*, 1910–1923, vol. i, p. 17. League of Nations, Geneva, 1924.

to-day less essentially commanding than it was. "Even the "expenditure of the War, our debts to the United States, "our un-repaid advances to most of the countries of Europe, "and our sales of foreign securities", says Sir Stanley Leathes,[1] "have not shaken our position. It was thought that after "the War the United States, the greatest of world creditors "and the possessors of nearly all the free gold, would become "the centre of world finance; but the good-will, the prestige, "the tradition, the reputation, the system, of British finance "have restored the old-time channels of credit. . . . The "exchange of all the world for sugar, tea, coffee, spices, wool, "leather, rubber, vegetable oils, furs, and the principal non-"ferrous metals, is centred in London".

So regarded, indeed, England presents an extremely striking spectacle. Into the ports which deck her little shores there pours continually from all the ends of the earth a prodigious stream of merchandise of which nearly one-eighth arrives there merely for despatch to other lands; and from those same ports English products to an estimated value of over £1,300,000,000 leave her shores every year for foreign use upon that great universal road of the earth at whose crossing-place she stands. No single commodity fashioned by the energy of man in any part of the world fails at last to send its largest quota and its best examples to the London Docks; and there will be found, in far larger variety and measure than at any other single spot, a quite unparalleled selection of the accumulated products of the earth. So intense a concentration of trade, wealth, and population in so small a space as that of England has never before been seen; and reaching out, as we have seen, over a very large proportion of the entire movement of the world, her people enjoy, by reason of their geographical position acting upon the very nature of trade itself, a wholly unmatched share both of its profit and of its direction.

The people of England, in short, are at once the chief servants, and hence also the chief masters, of that vital movement of commodities which is the life of the world.

[1] *The People on its Trial*, Heinemann, 1923, pp. 418 and 419.

## VI

## THE OBLIGATION UPON SEA-CENTRALITY

SEA-CENTRALITY in action brings, then, to its possessor certain plain, constant, and very great advantages. It confers upon that country which effectively owns it a necessarily preponderant position in the whole system of the economic movement of the world; putting her automatically into a contact with every outlying section of that movement far closer than that to which any such outlying section itself can pretend; and so automatically investing her with a greater share of its fruits and profits than any such outlying section can ever hope to enjoy. Her strength, in short, arising from the entire movement of commodities about the surface of the earth, will increase with every increase of that movement.

But, as the constant condition of this infinite and peculiar strength, there lies upon the country possessing it one clear, grave, and standing obligation. Only so long as exchange of goods about the earth is free, orderly, and safe can her inherent strength be seen. Unless the movement by which she lives and breathes is unimpeded; unless the transit of all commodities so far as possible in every corner of the world, and unless at least the chief transit, which is sea-transit, everywhere, is clear, safe, and unobstructed; her peculiar power among the nations will fail, and the whole advantage of her position among them will be brought to nought. In such a case, moreover, as that of England, where the seat of sea-centrality is in an island, the very advantages of her position in that event will turn relentlessly against her; for, in her case, the maintenance of complete security along every road

at sea ministers not merely to her general economic centrality, but is essential to her very life. Without complete freedom to use those roads which alone connect her with the outer world, England evidently could not enjoy even the limited landward resources open to the peoples of a continent. Deprived of safety upon the roads of the sea, she would at once be shut off from that streaming traffic upon which her life depends ; and her people would find themselves marooned. Upon her, therefore, in an altogether special sense, there lies the central obligation of sea-centrality ; the obligation, namely, to see that the long roads of the sea are clear, safe, and open always and to every trader who desires to use them. Safe and open to the whole world they must be if she is to enjoy the fruits of her centrality ; and safe and open at least to herself they must be if she is to have any independent existence at all.

To render thus safe and free from obstruction the roads of the land within their own borders is, of course, the separate business of the various peoples of the earth ; and, although with very varying degrees of success, all have undertaken their share of this task. So far, however, as the road of the sea is concerned, the world appears to have been content, from the first moment of England's serious appearance upon it, to rely in a striking degree upon the efforts of England ; and, in considering the extent to which the English people have in fact fulfilled the imperious obligation imposed upon them by the sea-centrality of their island, it is important to remember that the almost unvarying order and safety which to-day distinguish the use of the sea by the trade of all nations had been neither seen nor imagined there for many centuries before their rise began.

So true is this that it is difficult now to realize the state of general insecurity into which those roads had fallen even up to so recent a date as the middle of the seventeenth century. No single one of the sea-going and civilized nations upon the Mediterranean had contrived in any degree up to that time to re-establish in their own immediate waters any semblance of the security which the centralized power of Rome had imposed upon them ; and one may search in vain the history

of any mediæval State for any mention of an organized effort to that end. Yet the danger was not new. Fleets of pirates, so early as in 75 B.C., had sprung up throughout the Mediterranean and particularly in the Levant, and bear witness by their long and successful existence to a steady course of valuable sea-trade there. Based upon the creeks and valleys of Western Cilicia and Pamphylia they had in that year, not merely intercepted the argosies of sea-borne corn from Egypt and elsewhere upon which the daily food of the teeming population of Rome depended, but, increasing in boldness, had constantly descended upon and ravaged the coasts of Italy herself; nor was it until after much difficult effort on the part of a succession of Roman admirals that the great Pompey, armed for the purpose with the extraordinary powers of the so-called *Lex Gabinia*, succeeded in 67 B.C. in restoring reasonable security to the all-important Mediterranean trade. But with the slow collapse of the Roman power, disorder fell again upon sea and land alike; and although, under the imperious necessity of exchange, sea-trade continued at all times in those waters and beyond them, it was conducted after the fall of Rome under the constant shadow and peril of forcible interference by thieves.

Looking back, indeed, upon the period between the disappearance of the Roman power and the seventeenth century of our era, it is clear, first of all, that an enormous movement of goods by sea was continually in progress; and, secondly, that nothing but an overmastering necessity could have kept that movement in being. For, during all those centuries it was conducted in circumstances of amazing risk and danger, not only to the cargoes themselves but to the men who dared to sail with them. Fleets of pirates of all nations, but principally English, French, Danish, and Algerine, infested all the sea-roads of the world; and, in the absence of any central power or authority capable of enforcing a rule of law upon the seas, maintained themselves and their families by organized plunder upon an enormous scale. The sea, in short, until comparatively recent days, was a place over which in general no law could be made to run; and was consequently the home

and chosen hunting-place of violent and lawless men. To these hordes of outlaws England did not fail to contribute her share, as is shown by the names of the pirates hanged on prominent English headlands between the years 1561 and 1568; and there is still extant an entertaining account, written by one of her own ship's company, of a gallant and successful defence made in January 1617 off Sardinia by the small English trading-ship *Dolphin*, of London, against the combined attack of five large "Turkish pirate craft" whose three leaders bore the singularly un-Turkish names of Walsingham, Kelley, and Sampson.

In 1584, English pirates were alleged by the French Ambassador in London to have plundered French ships alone in the two preceding years of goods worth 200,000 crowns;[1] to which complaint the English answer was that English ships during the same time had been still more thoroughly plundered by the pirates of France. For in this matter of pirates France was little if at all behind England. The French of those times, indeed, provided most formidable pirates; whose fleets, based chiefly upon Dunkirk, and having very close business relations with the dreadful corsairs of the Barbary coast known collectively in England as "Turks", harried all the English waters for centuries in a way that is difficult now to realize.

"Dunkirk", says Raleigh, writing in 1610, "is but a fishing "town, a bad haven, and hath not above a dozen sail of small "ships"; yet "those few Dunkirkers have taken from the west "country merchants, within two years only, above three "thousand vessels, besides all that they have gotten from the "rest of the ports of England, and from the Netherlands; "insomuch as they have so impoverished all those western "merchants, as their trade, in effect, is utterly decayed; and "those people which were wont to be set at work by them, "and did live in good sort, do now live by alms and begging".[2] And that this represents no exaggeration of the case is amply shown by innumerable State Papers of the time. In August,

[1] *A History of the Administration of the Royal Navy*, by M. Oppenheim, vol. i, p. 179.

[2] *The Works of Sir Walter Ralegh, Kt.*, vol. viii, pp. 305 and 306.

1626, the inhabitants of the Suffolk coast declared " with loud " cries that their vessels were fired or taken in their havens " before their eyes ". At King's Lynn pirate crews landed and plundered and burned houses near the shore. Trade at Ipswich had altogether ceased ; shipping to the value of £4,000 having been taken by the Dunkirkers in one year, and the town's fifty-eight ships being laid up for fear of them. Newcastle complained that the new and important coasting trade in sea-coal was being destroyed ; the Yarmouth fishermen stated that, although they had been accustomed to send 300 fishing boats to sea, the Dunkirkers were now so numerous that they could not go out ; and in 1626 the Cinque Ports themselves are found petitioning the Council against the " force and fury " of the Dunkirkers and complaining that they are " miserably " oppressed by them and dare not go about our voyages to " Scarborough and Yarmouth, or fish in the North Sea ".[1] This state of things evidently amounted, as the learned Mr. Oppenheim says, to a continuous blockade by French pirates of the whole east coast of England.[2]

And, while the French thus operated in the North Sea proper, the " Turks " were swarming to the southward and westward. Certainly guided, and probably in great part led, by Englishmen, of whom many are known to have served in their fleets, these lateen-rigged corsairs from the Mediterranean spread fear for centuries about the seas in general and English waters in particular. Ireland was said to be in a special degree " ' the nursery and storehouse of " ' pirates ' ; for, besides providing its own quota of sea-rovers it " offered the hospitality of its ports to those vessels belonging " to the Barbary corsairs that required repair ".[3] About the year 1616 " there was a fleet of thirty Turkish ships in " the Atlantic, and another Salleeman had recently been

[1] *State Papers, Dom.*, lxx, 8 and 9.

[2] Mr. Oppenheim draws attention in a Note to the fact that " M. " Vanderest (*Hist. de Jean Bart*, 1844), himself a native of Dunkirk and " having access to its archives, estimates the pecuniary injury they " caused to England during forty years of warfare, from 1656, at " 350,000,000 livres. Nor does this computation appear to take into " account the higher value of money during the seventeenth and " eighteenth centuries ". Oppenheim, vol. i, p. 276.

[3] Oppenheim, p. 198 ; *Cott*, MSS., Otho E., viii, f. 316.

"captured in the Thames; between 1609 and 1616 the "Algerines had captured 466 British ships and reduced their "crews to slavery".[1] In these circumstances it is scarcely surprising that the inhabitants of Swanage should have petitioned for a block-house, "the Turks being grown exceedingly audacious"; or even that the Lizard light should have been forbidden by the Trinity Corporation itself on the ground that "it will conduct pirates".[2]

In August 1625 the Turks "were reported to have twenty "sail on the southern coast and, according to the Mayor of "Poole, threatened that within two years they would not "leave the King sufficient seamen to man his ships";[3] while the Mayor of the great port of Plymouth itself stated to the Council that, during 1625, the Turks had captured 1,000 sailors; and, in the ten days immediately before his letter, had carried off no fewer than twenty-seven ships and 200 men.[4] In 1631 a force of Turks, landing on a summer evening just behind Cape Clear at Baltimore in Ireland, sacked the place completely and took 237 men, women and children into slavery. In 1635 "coasters and Dover "packet-boats were stopped and pillaged while the royal "fleet was riding in the Downs";[5] and, in September 1636, "the shipowners of the western ports petitioned that "the Channel was so full of Turks that they dared not send "anything to sea, that seamen refused to sail or fishermen "to fish".[6]

Except, therefore, for large and well-armed ships, or for ships sailing in well-protected convoys, the seas of the seventeenth century as a road for commerce were nearly unusable; and sea-trade during the first half of that century was accordingly confined almost exclusively to the Dutch, who alone possessed at once the merchant tonnage required and sufficient naval forces to convoy and protect it. If, indeed, the Dutch, French, and Spanish oversea dominions, which were then all beginning so prosperously, had been allowed by events to remain in being, those countries would all before long have

1. Oppenheim, p. 198.
2. *Ibid.*, p. 199.
3. *Ibid.*, p. 275.
4. *State Papers, Dom.*, v. 6, 24, 36.
5. Oppenheim, vol. i, p. 276.
6. *Ibid.*

been compelled to attempt the enormous task of cleansing the seas from violence. But before they could seriously attempt it another Power had arisen: the trident which each had wielded had passed for ever from them; and the fleets and merchant-ships of England, negligible even in 1600, had come a century later to cover the world.

Upon England accordingly, as a matter not of choice but of urgent necessity, devolved the business of freeing the main roads of the earth from the deadly obstruction of piracy and from the almost equally deadly obstruction of the national monopolies of shipping attempted to be set up in turn by each one of her rivals. For both purposes force at sea was evidently needed; and in the two tasks thus presented to her by her new situation in the world may be seen the true origin of her need for a permanent national navy. Slowly, spasmodically, and in the completely haphazard fashion which has always marked the early stages of English enterprise, that Navy arose; and the thirty-four small naval ships which, assisted by 163 hired merchantmen, had faced the entire strength of the Great Armada in 1588, had risen by the year 1660 under the vehement naval administration of Cromwell to 133 naval ships actually in commission; "the principal "thing the Long Parliament aimed at", we are told in a document of the time, being "to outsail the Dunkirkers";[1] who, so late as in 1656, had instructed certain released English prisoners to "tell the Protector that while he is fetching gold "from the West Indies they will fetch his coals from New-"castle".[2]

With the gradual growth of a permanent Navy in England, however, the Breton free-booter became a terror of the past; and though up to the year 1815 England, in common with all other trading nations, paid an annual allowance to the Algerines to induce them to leave English ships alone, the naval expedition to Algiers in 1816, in which six Dutch frigates asked as a special favour to be allowed to join, destroyed all the batteries and shipping in that pirate port;

[1] *Add. MSS.*, 11, 602, f. 49, quoted by Oppenheim, p. 338.
[2] *State Papers, Dom.*, 26 February, 1656, quoted by Oppenheim, p. 346.

and conferred upon the Mediterranean traffic a freedom and security not known there since the days of Cæsar Augustus.

But the part thus played by England in cleansing the seas from illegal violence, was by no means her only contribution to that general safeguarding of the high-road of the world which in truth still continues to this day. The discovery of vast new trading areas of great value to Europe and yet accessible to her by sea alone had rendered essential, sooner or later, the exacting labour of examining with accuracy, surveying, and charting all the new seas and coasts concerned; and in this vital, highly technical, and usually quite unregarded work, the part of England has always been unmatched. It is by the labours of the English Surveying Service alone, a branch of the Royal Navy commonly quite forgotten by the world, that the safe conduct of traffic and passengers by sea to and from every quarter of the earth has been made possible. There is no ship upon the seas, of whatever nation she be, which does not rely from day to day and from hour to hour upon one or other of the 4,000 English Admiralty Charts and Plans, and the seventy-six volumes of Sailing Directions, produced during the past two centuries exclusively by that Service at the cost and charge of the people of England.

And it is doubtless largely in consequence of this circumstance, that all the nations of the earth have agreed to describe the position on the globe of their several capitals and dominions by reference to the distance of those capitals and dominions from the small English borough of Greenwich. The Observatory at that place had no existence before the year 1676; and the fact that, in the intervening 250 years, Greenwich should have come to be accepted by all mankind as the universal starting-place for all geographical measurements, is surely a sufficient mark in itself of the share taken by England during that period in rendering accessible to all nations the seas, harbours, islands, and farthest coasts of the world.

In her slow formation, therefore, and present maintenance of a force at sea able at all times and everywhere to clear away obstructions to trade upon the waters, England has been actuated by no mere vainglorious lust for power, but only

by the more modest desire to live her own separate life and not to die. In this matter at least she had, and has, no choice. Everywhere, at all points, and at all costs to keep the sea-roads of the world open and to keep trade in movement along them: that, for England, is indeed her all in all.

But, from this plain truth arises at once a further consideration of the gravest possible character. If, as a bare condition of her separate national existence, England is thus forced to maintain always upon the seas sufficient power to keep open and safe for trade the sea-roads of the world, she must always also possess in fact, whether she desires it or not, the further power to close those roads and to keep them closed.

The nature and character of this formidable power which, so long as England remains a separate nation at all, must ever in fact be hers and hers alone, the several restrictions with which its practical use has very properly been hedged about, and the manner in which England has so far used it, will be considered in the following chapters. Here it must suffice to say that in her power to open and keep open the roads of the sea to trade lies the strength of England in peace; and in her power to close those roads and keep them closed at will lies the true source and secret of her astonishing strength in war.

## VII

## THE RULE OF LAW AT SEA

NO human activity can be carried on for long unless some degree of order and security can be provided for it; and so universal is this truth that even those whose sole desire is to foster and increase disorder are always forced, before they can so much as begin their subversive operations, to set up some form of order among themselves. Thus one system of order can only be destroyed by another; disorder is but a passing symptom of the transition between them; and order remains for ever the normal demand of mankind and the first condition of its life.

But order, in practice, involves both law and a power equipped with machinery able to enforce it; and these two requirements, being the essential accompaniments of all sustained human effort, have accordingly always been seen in most complete combination at that place in the world where, for the moment, the most intense activities of man have been centred. It is thus by no mere accident that Babylonia, Egypt, and Rome, now no longer particularly distinguished in any such respect, each endowed the world in turn with a fabric of law and a system of legal machinery still exercising considerable influence upon the daily lives of men. Nor is it mere accident that in all systems of law which have come down to us from the earliest times, the urgent importance of security from violence at sea, as well as of a similar security on shore, should have been recognized and, so far as possible, provided for. What, however, is somewhat surprising at first sight is the extreme completeness with which, in recent days, the rule of force upon the waters has been superseded by the rule of calm, impartial, and universal law.

For there is, unquestionably, about the very nature of the sea some quality which seems to portend a natural defiance of law and of all legal processes and machinery. Its enormous size and loneliness, its remoteness from all ordinary life, its wild moods and desperate strength, the unvarying queerness and nomadic character of its inhabitants, the ceaseless movement, adventure, change, and courage of which it is the scene: all seem to combine to make it the natural home of disorder or, at the least, to remove it altogether from the whole world and atmosphere of law. And yet, as will be seen later, the rule of law upon the seas of the world is now, even in peace-time, as complete and efficient as over the most peaceful of English counties; while, in times of war, the action of the sea is regulated throughout, down to its smallest and most trivial particulars, by an august machinery of impartial law to which no counterpart whatever can be found in the warlike proceedings of the land. Disorder, murder, rapine, plunderings, and burnings may all be found in full existence on shore not only in war but in times of peace as well. But the sea, wrapped round in far greater degree by the rule of law, exerts her ceaseless strength, in peace and war alike, with a proportion of anarchy so small as to render it entirely negligible by comparison.

This close connection between the affairs of the sea and the machinery of law is in truth as old as sea-trading itself; so that there never was a time, for instance, when piracy, which strikes at the very heart of sea-order, was not regularly punishable by the courts and tribunals of civilized man. The laws, indeed, under which every country in Europe at last combined to stamp out the whole business of piracy were all derived directly from that "rich treasury of the principles "of universal jurisprudence" the Civil Law of Rome; which declared, as all mankind has declared both before and since, that Pirates are justiciable everywhere by the tribunals of their captor as being *hostes humani generis*, or enemies of the whole human race;[1] and it is both curious and instructive,

[1] *Cicero, De Officiis*, III, xxix, 107: "Nam Pirata non est ex in per-"duellionum numero definitus, sed communis hostis omnium. Cum "hoc nec fides debet nec jusjurandum esse commune".

in view of the attitude later taken by England in all sea affairs, to note the extreme care always shown by her councils and courts, long before she had become in any sense a serious power at sea, to ensure a strictly correct legality in their dealings with such men. For the true complaint against the pirate was, and still is, not so much that he is an enemy of the human race as that his proceedings are lawless ; that his robberies and murders infringe, not necessarily the laws of his own country—for they may encourage piracy, as the laws of Algiers in fact did—but that far larger legal conception known in England as the " Law and Custom of the Sea ". It was for his infringement of that law and for his breach of that custom that the pirate, when brought to England, was tried ; it was for that infringement and breach that, if found guilty, he was hanged ; and Gallows Point at the entrance to the great harbour of Kingston, Jamaica, no less than all the chief headlands round the coast of England herself, bore eloquent testimony, over several centuries of violence, to the steady existence in England of a law covering the sea and capable of dealing with all misdeeds committed against it.

In this general Law and Custom of the Sea, therefore, derived originally from the Roman Civil Law, shown forth in such great maritime codes as that propounded at Rome and at Amalfi in the eleventh century under the venerable and universally respected name of the *Consolato del Mare*, and acted upon continuously by all civilized States, may be seen the foundation of that whole body of law by which order and security were first brought into existence upon the waters and by which to-day they are still so remarkably maintained there.

In England, however, from the earliest times, the affairs of the sea were felt to be essentially different in character from the affairs of the land ; and an altogether special jurisdiction, separate from the jurisdiction to which land affairs were submitted, was erected to deal with them by the Norman law-giving Kings. This special and separate jurisdiction set up to enforce and administer the law and custom of the sea developed later into that of the present High Court of

Admiralty; and although the High Court of Admiralty proper had no existence till the beginning of the fifteenth century and did not deal regularly with all purely sea affairs till more than a century later, it was always to a separate jurisdiction, usually administered through the local courts of the Admirals of the North, South, or West, that disorders occurring on the seas were originally referred.

In the year 1361, for instance, King Edward III expressly revoked a commission, which had been issued previously in the same year, appointing certain persons to hear and determine a case of murder and robbery on the high seas according to the common law; the revocation being stated to be upon the ground that "after further consideration of the matter "by us and our council, it appears that, according to the law "and custom of our realm, felonies, trespasses, or injuries "done upon the sea ought not to be dealt with or determined "before our Justices at the common law, but before our "Admirals according to the law of the sea (*juxta legem "maritimam*)".[1]

And when, in 1374, a like commission was issued to the Warden of the Cinque Ports and others to inquire "by the "oath of good and lawful men of the county of Kent . . . "who the malefactors and disturbers of our peace were, "who being in two logs of Campen wickedly and craftily "committed divers robberies, depredations, discords, and "slayings of many of our lieges along the coasts of the afore-"said county . . . and who they were who feloniously "captured upon the sea three galleys of Genoa, Catalonia, "and Naples, laden with divers goods and merchandises of "certain merchants of our friendship, of Catalonia, Genoa, "Naples, Florence, and Milan, and brought the aforesaid "goods and merchandise, together with the galleys, within "our dominion, and there carried off the goods and mer-"chandise, so that proper restitution could not be made "to the merchants", the Commissioners were ordered "to "hear and determine all the premises according to the law

[1] *Close Rolls*, 35 Ed. III, m. 28d.

" and custom of our realm of England and according to the " Law of the Sea ".[1]

Although, however, there was thus always among the sea-going nations of Europe, and certainly in England after the Norman conquest, an established body and machinery of law applicable to the seas, it must be admitted that piracy, whose power is founded on the negation of law, was hardly to be put down without the resolute use of far greater force than the slender regular navies of Europe were originally able to employ. Against piracy, therefore, the chief resource of law, and especially of English law, lay in the readiness of countless private persons to adventure forth upon the seas in their own ships and at their own expense in order to lay lawless vessels by the heels; and, during the sixteenth, seventeenth, and eighteenth centuries, great numbers of such captains issued forth in this way from English ports and, under the popular title of " privateers ", rendered invaluable service in restraining illegality upon the seas.

Nothing could be falser or more contrary to fact than the attempts often made to confound such privateers with the lawless adventurers against whom they were in truth mainly employed. For the enterprise of the English privateer, both in peace and war, was as strictly lawful as that of the King's ship herself. The privateer captain was commissioned by his government in the strictest form; he lodged with the Crown before sailing a large sum of his own money as security for his own lawful behaviour at sea; his every action was subject to review by the Courts; and no lawful profit could accrue to him except by judgment of those Courts.

In peace, his commission would commonly confine him to action against thieves and robbers; in war, he would be further expressly authorized to act also against the enemy for the time being. But in so acting he was always definitely bound by the terms of his commission; and these were ever interpreted according to the strictest rules of law. He was,

[1] *Patent Rolls*, 48 Ed. III, pt. 1, m. 2d. Quoted in *Law and Custom of the Sea*, Navy Records Society, 1915, vol. i, pp. 100 and 101. For an account of the various early jurisdictions in England against piracy and in matters of Prize, see the Introduction to this work by its very learned Editor, Mr. R. G. Marsden.

in fact, a special constable of the seas ; somewhat less regular, no doubt, than the regular forces of the King's ships, whose jealousy he constantly excited, but equally bound with them by the plain terms of his commission, the general rules of law, and the expressed requirements of the King's service. To represent such a man as in any sense a pirate himself is not merely to ignore the plain facts of his case, but to treat with gross injustice a large body of most gallant captains and seamen who, under the fullest possible authority of law, were for centuries occupied, equally with the King's ships, in enforcing law upon the seas.

By these means, then, and by her own specially devised machinery for administering in her own country the general law of Europe in matters of the sea, England took such part as she could in the general conduct of maritime affairs. But, up to the sixteenth century that part was necessarily small ; for her interest in the sea up to that time was slight, her fleets inferior to those of many other nations, and her sea-trade carried on chiefly by foreign vessels. In these circumstances, it is not surprising that her contribution to the development of the general Law of Nations in matters of the sea was slender and even non-existent ; or that, in this matter which was soon to play so enormous a part in her history, her jurists should at first have been completely forestalled by those of the continent. Nor was it, in fact, until—by the discovery of great new worlds lying far beyond the waters on either side of Europe—the use of the sea both in peace and war took on an altogether novel international importance, that even the jurists of Spain and Holland began adequately to consider the manner in which the ancient principles of the Roman *Jus Gentium* and the more modern Law and Custom of the Sea were to be applied in practice to the new state of affairs.

But, when the dawn of modern international jurisprudence did break at last, it broke with startling splendour. In 1609, the great Dutchman Grotius published his celebrated *Mare Liberum*, and followed it in 1624 by his *De Jure Belli et Pacis* most truly described by Sir Robert Phillimore as " a monument which can only perish with the civilized inter- " course of nations, of which it has laid down the master

" principles with a master's hand ". Impelled, in short, by the necessities of the rapid growth of commerce in a newly-forming world and by the consequent increase of relations, both peaceful and warlike, between the chief States of which that world was composed, the legal mind of Europe began to look again beyond the narrow limits of municipal law, and to survey anew the whole great fabric of the legal relations and mutual obligations subsisting between those States themselves. For, as each of those States was now speedily discovering for itself, some general rule or law governing their conduct towards each other both in peace and war was absolutely essential, if peaceful relations were ever to be peacefully maintained and if war itself, when it broke out, were not to degenerate into endless and meaningless massacre.

In this task, however, of building up again for the new Europe a common or universal Law of Nations based upon the eternal principles of justice enshrined in the Civil Law of Rome, the jurists of the seventeenth and eighteenth centuries found themselves confronted by one great change in the general arrangement of civilized mankind. In the days of the Roman Empire the whole world, for all the purposes of law, was practically one nation ; and, in so far as the direct affairs of the sea were concerned, the law of Rome was the only law either existing or required. In those circumstances, no question of obtaining for that law the common consent of all other civilized nations could arise ; since there were in fact no other seafaring nations in existence who would consent to submit their seafaring activities to any form of universal law whatever.

In Rome alone, therefore, arose the fabric of international jurisprudence ; and it arose there without any true foundation in the common consent of mankind. But, in the Europe of the seventeenth century this condition of things no longer prevailed. Europe by that time had been broken up into many separate nations, each claiming, and each plainly entitled to, an entirely independent and sovereign power. If a system of law, therefore, governing the relations of all these nations to each other both in peace and war, were really to be brought into practical operation, not merely was it essential that each nation should consent to it but each would

also have to set up within her own borders an effective machinery for enforcing it. On the other hand, it was obvious that if such a general and universal system of law and legal machinery could be set up, based upon the common consent of all nations, that system would have within it a greater strength and would be accompanied by more powerful sanctions than even the Civil Law of Rome herself. During the course, moreover, of the seventeenth and eighteenth centuries it rapidly became clear that, in war as well as in peace, the sea was destined to play a far more direct and powerful part in matters of international relation than it had ever played before ; trade was already flowing over the waters in unprecedented volume ; permanent national navies of great strength had arisen ; and a universal rule for all this new activity was plainly required. It was found, as we have seen, all ready for immediate use, in the ancient codes of the Mediterranean derived originally from Rome ; and it was steadily developed and applied to the needs of modern sea-traffic and sea-warfare by the impartial labours of learned jurists and by a long line, in all civilized countries, of reasoned judicial decisions.

If, then, the Common Law of Nations in its application to the sea is thus essentially old, the present-day machinery used for its enforcement is of necessity essentially new. And it would indeed be difficult to imagine a more truly august spectacle than that which, as a mere conception of law, this machinery to-day presents. There is nothing comparable with it in the affairs of the shore, and nothing like it has ever before been seen in the whole long history of law.

For the problem to be solved, stated in its most difficult form, is a problem not of peace but of war. Two entirely separate and sovereign Powers of the modern kind are at war. The entire resources of the one are accordingly arrayed against the entire resources of the other ; and a struggle to the issue of which each attaches importance ensues between those two sets of resources. Yet that struggle is to be conducted under the constant rule of a Law consented to by them and by all other nations. Such a struggle, moreover, necessarily affects those other States of the world, still the friends of both

combatants, who are not directly concerned in the quarrel and so are taking in it no direct part and, it is to be hoped, no indirect part either. Their demeanour, also, towards each of their two struggling friends, is to be regulated throughout by that same law. The problem is indeed formidable; and yet, if it be not solved, the world must always lapse again at each successive touch of war into that reign of unredeemed and irredeemable force which is the essential mark of barbarism. How then is it to be solved? So far as war upon the land is concerned the solution, it must be admitted, is yet to seek, and it is more than doubtful if it will now ever be found. For there, as will be seen later, no effective power whatever exists by which the excesses of warriors can be restrained. But at sea this vital problem has for long been solved, and solved with amazing completeness, by the great institution of the general doctrines of Prize and by the attribution of a purely international character to all Prize Tribunals. These two matters are not merely of high legal interest. They are also, in the simple words of Sir Robert Phillimore, "of great importance to the civilized world"; and some attempt must here be made to explain them.

It will be evident, in the first place, that any system of law which is to govern impartially the warlike proceedings upon the sea of all the nations of the earth, must necessarily be firmly defended in its practical application against all interference by any of those national Executives whose warlike proceedings it is to control; for the actual courts which are to administer it, and the individual judges and others who compose them, will themselves belong to one or other of the actually combatant nations and so, in their private capacity as citizens of their own country, they would normally be bound by the decrees and directions of one of those very Executives who may at any moment appear as parties before them. In order, therefore, to avoid completely any such impossible conflict of duty in the judges and members of Prize Tribunals, the whole jurisdiction of which they form part has for long been invested with a purely international character. When acting judicially within that jurisdiction, accordingly, the judges of Prize Tribunals are no longer

national but international officers ; bound to administer to all litigants not the purely national laws of their own country, still less the passing fancies of their own governments, but only and always the settled, calm, impartial, and universal doctrines of International Law itself.

It will be seen at once that this conception of the nature and jurisdiction of Prize Tribunals differentiates them completely from all other known tribunals whatever. It lifts them, as it were, into a realm of law altogether wider than that occupied by the ordinary courts of a country ; and, arming them with doctrines whose sanction is nothing less than the common consent of the whole of civilized mankind, makes them the expounders and enforcers of those doctrines among all nations during the very progress of active dispute among some of them. It is, in truth, a legal conception at once extremely simple and extremely grand ; it has brought to war at sea an order, regularity, and consistency still entirely unknown in practice to war on land ; and its distinguishing and salient feature is thus expressed in famous language by Lord Stowell himself, perhaps the greatest of all the judges, English or foreign, who have ever exercised this particular jurisdiction. Sitting in prize in the year 1807, at a time when England was standing alone against the entire world and when she had not a friend or a friendly port available to her in the whole of Europe, this great master of prize jurisdiction said :—

" It is to be recollected that this is a Court of the Law of " Nations, though sitting here under the authority of the " King of Great Britain. It belongs to other nations as well " as to our own ; and what foreigners have a right to demand " from it is the administration of the Law of Nations simply, " and exclusively of the introduction of principles borrowed " from our own municipal jurisprudence, to which, it is well " known, they have at all times expressed no inconsiderable " reluctance " ; [1] and again, in another case,[2] he said upon this same topic :—

" In forming my judgment, I trust that it has not for a

[1] *The Recovery*, 6 Robinson's Adm. Reps., pp. 348 and 349.
[2] *The Maria*, 11 June, 1799. 1, E.P.C., 153, 154.

"moment escaped my anxious recollection what it is that 'the duty of my station calls for from me; namely, not to "deliver occasional and shifting opinions to serve present "purposes of particular national interest, but to administer "with indifference that justice which the Law of Nations "holds out without distinction to independent States, some "happening to be neutral and some belligerent. The seat of "judicial authority is indeed locally here, in the belligerent "country, according to the known law and practice of nations, "but the law itself has no locality. It is the duty of the "person who sits here to determine this question exactly "as he would determine the same question if sitting at Stock-"holm; to assert no pretensions on the part of Great Britain "which he would not allow to Sweden in the same circum-"stances; and to impose no duties on Sweden, as a neutral "country, which he would not admit to belong to Great "Britain in the same character."

And that this same noble duty, in all its completeness, still lies upon Prize Tribunals to this day appears very plainly from the language of the late Sir Samuel Evans, who said on 21 December, 1914, when himself sitting in prize in the case of the *Odessa*:—

"The law to be administered here is the Law of Nations: "that is, the law which is generally understood and acknow-"ledged to be the existing law applicable between nations by "the general body of enlightened international legal opinion."[1]

The law administered by Prize Courts, in short, is not merely the national law belonging to its own country. It is an International Law belonging to the whole world.

Nor, having regard to this vitally important fact, have the Prize Tribunals of England ever forgotten what it is that the consequent "duty of their station" calls for from them. They have never yet allowed their own judicial independence as administrators of the Law of Nations to be subordinated to the "shifting opinions" either of Executive Governments or of single National Legislatures.

A striking testimony to that principle was recently adduced by Sir F. E. Smith (now Earl Birkenhead) when, as Attorney-General of Great Britain, he addressed the New York Bar

[1] *The Odessa*, 1915 Probate, p. 61.

Association upon these subjects after the late war. He then informed his hearers that, during the course of the hostilities, it had become his duty, as Attorney-General, to urge upon the Judicial Committee of the Privy Council in London the view of the English Government of that moment that no Prize Court in Great Britain had the right to challenge or call in question the Orders-in-Council of His Majesty the King. But the Privy Council, he said, sitting as the Appellate Prize Tribunal of England, had altogether declined to accept this view; and had plainly declared, on the contrary, in the words of Sir F. E. Smith himself, that: "We sit here as a "Court of International Law; and, in spite of what our "enemies have done, we still believe that there are binding "doctrines of International Law; and sitting here, as we "do, as a Court whose duty it is to construe those doctrines, "*we utterly refuse to be bound by Orders-in-Council issued by "the Executive*". [1]

And this, of course, was no new refusal.

So long ago as in 1767 the obvious truth that no Act of an English Parliament (still less a mere Order of the English Executive) can avail to alter the Law of Nations had been declared by Lord Mansfield from the King's Bench; [2] while in 1781 that same great authority had in the same place pointed out that all the world, in truth, are parties to a sentence in Prize.[3] Already, therefore, in the eighteenth century no less than in the twentieth, the complete judicial independence of English Prize Courts from Executive control was always claimed and affirmed.

Nor did the nineteenth century pass without equally clear judicial declarations to the same effect. It is true that, in circumstances to be described later, a great Prize Court Judge (Lord Stowell) did then in fact enforce as against neutral traders certain famous English Orders-in-Council, now generally regarded as having been fundamentally unlawful.

[1] See *The Renascence of International Law*, by Manfred Nathan, K.C., LL.D., 1925. p. 154.

[2] "The Act of Parliament . . . did not intend to alter, *nor can alter*, "the Law of Nations." *Heathfield v. Chilton*, 4 Burrow's Reports, p. 2016.

[3] "The first principles are clear, and admitted. All the world are "parties to a sentence of a Court of Admiralty." *Bernardi v. Motteux*. Douglas's Reports, p. 580.

But he based his action throughout upon his opinion that, in the circumstances of the moment, these particular Orders were consistent with International Law, and expressly reserved his freedom to consider what the duty of the Court would be if it was forced to choose between the Law of Nations, and the unlawful and arbitrary orders of an English Government. And, when dismissing, in 1804, from custody the American ship *Minerva* brought before the Prize Court at Bombay on a charge of having violated certain " Instructions " issued by the English Government to its Naval Officers, ordering them to prevent trade from running between the ports of its several enemies in East Indian waters, Sir James Mackintosh, sitting as a Prize Judge, definitely faced that very question.

" Undoubtedly ", said he,[1] " the letter of the ' Instructions ' " was a sufficient warrant for His Majesty's officers for " detaining ships which appeared to offend against it ; but, " as to the doctrine that Courts of Prize were bound by " illegal instructions, he had already in a former case treated " it as a groundless charge by an American writer against " English Courts. In the case (which had hitherto been, and " he trusted ever would continue, imaginary) of such illegal " instructions, he was convinced that English Courts of " Admiralty would as much assert their independence of " arbitrary mandates as English Courts of Common Law. " That, happily, no judge had ever been called upon to " determine, and no writer had distinctly put the case of such " a repugnance. He had, therefore, no direct and positive " authority. But he never could hesitate in asserting that, " in such an imaginary case, it would be the duty of a judge " to disregard the ' Instructions ' and to consult only that " universal Law to which all civilized Princes and States " acknowledge themselves to be subject, and over which none " of them can claim any authority ".

Here, then, in the general law and doctrines of Prize agreed to and enforced equally by all nations, and in the purely international character of the Prize Courts uniformly invoked also by all nations in time of war, there exists to-day, so far as war at sea is concerned, a complete and strikingly

[1] *Life of the Right Honourable Sir James Mackintosh*, vol. i, pp. 317–319.

efficient machinery for ensuring order and regularity in every case of warlike interference, however slight, with the full and ordinary peace-time traffic of the seas. The rule of mere force indeed still exists at sea; but it is rigidly confined to conflict between the armed national navies of the countries engaged. With the conduct of battles between purely national fleets, it is true, no court, even to-day, will normally interfere. But let one such armed King's ship touch at sea in war any trading-ship whatever, be she enemy or friend, and at once the proceedings of that armed ship become, if the owner of the trader or of her cargo so desires, the subject of close review and scrutiny by a Prize Tribunal administering with complete impartiality the whole body of the Common Law of Nations. The effect of such a machinery, so long as it remains practically effective, in rendering orderly the seas of the world in war will be obvious. For, as will be shown in a moment, it is not in the fighting of fleet actions, but in its power to open or to close the road of the sea to trade that the true military strength of a fleet consists. And that vital power, under the machinery here described, can never be exercised at the mere caprice of individual nations, but is subject always and at every stage to the vigilant control of a perfectly general, civil, and impartial law.

Tribunals of Prize exist in every civilized country in time of war. "No civilized State which has a commercial or an "armed navy", says Sir Robert Phillimore, himself a Judge of the English Admiralty Court and a jurist of profound learning and authority upon these subjects, "is without "them. There are different forms of procedure in different "States, but the principles of the law, and the rules for "ascertaining the truth of facts ought to be, and, as a general "proposition, are, pretty much the same".[1] In England, the Prize Tribunal is the present High Court of Admiralty, to whose forbears in this jurisdiction, the ancient courts of the Royal Vice-Admirals, reference has already been made. Prize Courts are always the courts of a belligerent State. Their seat, therefore, is normally in the territory of one or other of the belligerent nations. They constitute a tribunal

[1] *Commentaries upon International Law*, vol. iii, p. 546.

to which, in time of war, neutral subjects can always resort in respect of wrongs alleged to have been done to them by belligerents at sea during the course of hostilities. An appeal lies from their judgments in England to the Judicial Committee of the Privy Council; whose decision is final. The whole of their proceedings are conducted in open Court accessible to everybody. Full reports of them, in due course, are published to the world. And it may be stated with complete confidence that the reasoned judgments of the Prize Courts of all civilized countries, and in particular that great majority of those judgments pronounced by the Prize Courts of England and the United States of America, evince throughout their long course every one of the qualities which, in the opinion of Sir Robert Phillimore, so lofty a jurisprudence should show. "It ought", says he, "to command the respect "of nations—it ought to be above, not slander indeed, for "then it would not be a human institution, but just and "reasonable suspicion. It ought to administer International, "not Municipal (that is, National) Law, except in so far "as it might happen that the latter was identical with or "declaratory of the former. Its procedure ought to be open "and exposed to all criticism. It ought to allow every liberty "of speech to the Claimant, or his representative, as well as "to the Belligerent, or his representative. It should "administer a consistent law upon certain and known "principles, impartially applied to all States and to their "subjects. The high standard of the great philosopher "and jurist of antiquity should be perpetually before its "eyes. It should always remember that the law which it "has to administer is not of one character at Rome and of "another at Athens,[1] but one and the same everywhere, "founded and applied, so far as human infirmity will permit, "upon the principles of immutable right and eternal justice."

Such a standard is high and exacting indeed. But no man yet has ever been heard to deny that the Prize Courts of England have boldly and steadily upheld it.

[1] "Nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac; sed ex omnes gentes et omni tempore una lex et sempiterna et immu-"tabilis continebit; unusque erit communis quasi magister et imperator "omnium deus." *Cicero, De Republica*, III, xxii.

## VIII

## WHAT IS THE LAW?

BUT, such being the general character of Prize Courts, and such their practical historical record, what are the distinguishing principles of that Common Law of Nations at sea which these Courts in fact administer?

Those principles were succinctly and authoritatively set forth in the year 1753, when England was enjoying a short and unwonted interval of peace, by Sir George Lee, then Judge of the Prerogative Court, Dr. Paul the Advocate-General, Sir Dudley Rider the Attorney-General, and the Solicitor-General, Mr. Murray, afterwards the great Lord Mansfield, in the form of a Memorial to King George II. And when, after the secession of the North American colonies in 1781, the American Minister in England, Mr. Jay, desired (in 1794) to be informed by the Government of England what were the principles and practice of Prize Tribunals, the terms of that Memorial were communicated to Mr. Jay and unreservedly approved and adopted by Sir William Scott (afterwards the great Lord Stowell) and Sir John Nicholl in their formal answer to his inquiry. This Memorial, as well as the more detailed answer of these two famous jurists, has ever since been acted upon by the Prize Courts of the United States of America. The Memorial has thus the combined authority of deep learning and of long practice on both sides of the Atlantic. Its terms are as follows.

"When two Powers are at war, they have a right to make "prizes of the ships, goods, and effects of each other, upon "the high seas. Whatever is the property of the enemy

" may be acquired by capture at sea; but the property " of a friend cannot be taken, provided he observes his " neutrality.

" Hence the Law of Nations has established:

" That the goods of an enemy, on board the ship of a " friend, may be taken;

" That the lawful goods of a friend, on board the ship of " an enemy, ought to be restored:

" That contraband goods, going to the enemy, though the " property of a friend, may be taken as Prize; because " supplying the enemy with what enables him better to carry " on the war, is a departure from neutrality.

" By the Maritime Law of Nations, universally and im- " memorially received, there is an established method of " determination whether the capture be, or be not, lawful " prize. Before the ship, or goods, can be disposed of by the " captors, there must be a regular judicial proceeding, wherein " both parties may be heard; and condemnation thereupon " as Prize, in a Court of Admiralty, judging by the Law " of Nations and Treaties.

" The proper and regular Court for these condemnations is " the Court of that State to whom the captor belongs.

" The evidence to acquit or condemn, with or without costs " or damages, must, in the first instance, come merely from " the ship taken, viz., the papers on board, and the examination " on oath of the master and other principal officers; for " which purpose there are officers of Admiralty in all the " considerable sea-ports of every maritime power at war, " to examine the captains, and other principal officers of every " ship brought in as a prize, upon general and impartial " interrogatories.

" If there do not appear from thence ground to condemn, as " enemies' property or contraband goods going to the enemy, " there must be an acquittal, unless, from the aforesaid evi- " dence, the property shall appear so doubtful that it is reason- " able to go into farther proof thereof. A claim of ship, or " goods, must be supported by the oath of somebody, at least as " to belief. The Law of Nations requires good faith. There- " fore, every ship must be provided with complete and genuine

" papers; and the master at least should be privy to the " truth of the transaction.

" To enforce these rules, if there be false or colourable " papers; if any papers be thrown overboard; if the master " and officers examined *in preparatorio* grossly prevaricate; " if proper ship's papers are not on board; or if the master " and crew cannot say whether the ship or cargo be the " property of a friend or enemy, the Law of Nations allows, " according to the different degrees of misbehaviour or " suspicion, arising from the fault of the ship taken, and " other circumstances of the case, costs to be paid, or not be " received by the claimant, in case of acquittal and restitution. " On the other hand, if a seizure is made without probable " cause, the captor is adjudged to pay costs and damages.

" For which purpose all privateers are obliged to give " security for their good behaviour; and this is referred to " and expressly stipulated by many treaties.

" Though from the ship's papers and the preparatory examin- " ations, the property does not sufficiently appear to be " neutral, the claimant is often indulged with time to send " over affidavits to supply that defect. If he will not show " the property, by sufficient affidavits, to be neutral, it " is presumed to belong to the enemy.

" Where the property appears from evidence not on board " the ship, the captor is justified in bringing her in, and " excused paying costs, because he is not in fault; or, " according to the circumstances of the case, may be justly " entitled to receive his costs.

" If the sentence of the Court of Admiralty is thought to be " erroneous, there is in every maritime country a Superior " Court of Review, consisting of the most considerable " persons, to which the parties who think themselves aggrieved " may appeal; and this Superior Court judges by the same ' rule which governs the Court of Admiralty, viz., the Law " of Nations, and the Treaties subsisting with that neutral " power, whose subject is a party before them.

" If no appeal is offered, it is an acknowledgment of the ' justice of the sentence by the parties themselves, and ' conclusive.

"This manner of trial and adjudication is supported, "alluded to, and enforced, by many Treaties.

"In this method, all captures at sea were tried, during the "last war, by Great Britain, France, and Spain, and submitted "to by the neutral Powers. In this method, by Courts "of Admiralty acting according to the Law of Nations and "particular Treaties, all captures at sea have immemorially "been judged of in every country in Europe. Any other "method of trial would be manifestly unjust, absurd, and "impracticable."

This general picture of the course and character of proceedings in prize at the end of the eighteenth century is at least simple, and easy to understand. The sea-movement of certain property, namely a ship and her cargo, has been forcibly interfered with on the high seas during war; and that property itself, untouched and unharmed, has been brought in by its captors to one of their own ports and there delivered into the custody of the Prize Court of their country. It is then for that Court, and in no way for the captors, to decide whether, according to the Law of Nations and any applicable Treaties existing between the country of the captors and any friendly State concerned, that interference is to be upheld and made permanent or not; and the decision as to this will in all cases depend upon the true answer to the questions: Whose property is this ship? and whose property is this cargo? So much of either as belongs in truth to the enemy will be condemned by the Court as "good prize" and so will be permanently prevented from proceeding to its original destination. So much of it as belongs in truth to a friend will be restored to that friend; who, moreover, if his whole part in the matter has really been that of a friend, is to suffer no commercial loss whatever from the interference which his property has sustained.

But a friend claiming from the law this immunity from loss must have behaved as a friend in the true legal sense and not as a mere covert assistant of the enemy; and friendship, in that sense, consists in resolutely standing aside from the conflict altogether and in helping neither one side nor the other to conduct it. The duty, therefore, of the subject

of a neutral State in time of war is to assume towards both belligerents the attitude of a friendly and wholly impartial observer; to assist neither; to favour neither; and, above all, to supply neither with means of attacking the other. This duty of real abstention from all that can assist either side in the actual conduct of the fight arises from the very nature of friendship itself; since to assist one side must inevitably hurt the other; and the friendship professed by, and therefore required from, the neutral is an equal friendship to both sides.[1] "If", said Lord Grenville, "I have "wrested my enemy's sword from his hands, the bystander "who furnishes him with a fresh weapon can have no pretence "to be considered as a Neutral in the contest"; and "That "person", says Demosthenes, enunciating the same obvious truth with the voice of antiquity, "whoever he be, who "prepares and provides the means of my destruction, he makes "war upon me, even though he have never thrown a javelin "or drawn a bow against me".

Although, therefore, in the words of Sir Robert Phillimore, "there is no more unquestionable proposition of International "Law than the proposition that neutral States are entitled to "carry on, upon their own account, a trade with a Belligerent", yet that trade, if it is to be entitled in law to substantial immunity from interference by the other belligerent, must conform to the obligations necessarily implied in the professed friendship of the neutral State to both. It must, accordingly, not seek to break its way through a blockade, properly set up and declared by either one of the belligerents, any more than on shore it should attempt to reach a besieged town; nor must it seek to carry directly to the ports of one side in the struggle goods which, under the ancient name of

[1] During one of the occupations of Crete by an allied fleet, a brawl broke out in a *café* ashore between French and Italian seamen of the squadron. Asked at the subsequent naval inquiry into this occurrence what was the behaviour of the few English seamen present, an English Petty Officer answered, with great solemnity, that they observed a "strict neutrality"; and, being pressed as to what he intended by that expression, explained that they broke up the chairs and tables and handed the pieces impartially to both sides. This conduct, though doubtless impartial, is nevertheless the precise opposite of that required by neutrality.

" contraband ", will be held by Prize Courts in all the circumstances of each case to be such as, if they were to be delivered there, would directly assist their recipients to carry on the struggle. To these two restrictions should perhaps now be added that of the so-called Rule of the War of 1756, which would withdraw the legal right to free passage from any trade newly carried on by a neutral with a belligerent in war-time from which that belligerent has customarily entirely excluded that neutral in peace.

Subject, however, and subject only, to these three provisos, the Law of Nations as it stood at the end of the eighteenth century, agreed to, acted on, and enforced by all the civilized States of the world, upheld firmly the right of neutral States in war-time to trade with belligerents; invested that trade with the full protection of its strength; rendered its free passage legally secure; and enabled the neutral trader, above all, to know for certain before embarking upon a commerce with any one belligerent whether or not he had any danger whatever to apprehend of final interference with it by the other. More than this, if he was in practice to maintain a true friendship with both belligerents, no neutral Power or trader could then ask. More than this, consistently with that double friendship, he can never ask in reason.

Nor, as a matter of general law, and apart from any special Treaty made between his country and the belligerent country concerned, is the neutral trader entitled in fact to any more to-day.

For although, as between certain States of Europe alone, Treaties, and other arrangements of far less force than Treaties, have since 1794 been made, which Prize Courts have regarded as altering by consent the mutual rights and duties during war of their own particular sea-traders, yet the general Law of Nations still remains in being behind all these instruments. In every principle which has been stated above it remains still unchanged and ready, in the absence of Treaties between particular States, to be applied again in its entirety. For it was set up, as has been seen, by the common consent of all civilized nations. And it can be altered by no power lower than that which set it up.

It must be evident to all that the Parliament of one nation has no power to legislate for other nations. Parliaments, therefore, cannot avail to alter the Law of Nations. Still less can any Executive Government do so; and least of all an Executive Government when it is itself appealing to that Law in war. The Law of Nations, from its own very nature, is a fabric necessarily unalterable by any one nation acting alone. It requires for its permanent alteration nothing less than the formal concurrence of all the civilized nations of the earth.

## IX

## SEA-WAR AND LAND-WAR

SINCE, then, the Rule of Law described above is thus universally acknowledged by every civilized State and so, in the absence of particular Treaties derogating from it as between their signatories, is uniformly binding upon them all, it will be important to realize clearly in what precise respect the application of this Rule affects the practical conduct of war upon the sea. In what, in short, under the universally received Laws of Sea-Warfare, does Sea-Warfare practically consist? What, in fact, having regard to those Laws, is the true meaning of that well-worn phrase "The Command of the Sea"? No phrase, at first sight, could seem plainer or more self-explanatory. Yet none perhaps, even by Englishmen, has been more constantly and seriously misunderstood.

To the popular mind, it may be said with certainty, these words convey one single and very simple idea; that, namely, of an overwhelming Navy. So long as England maintains the largest and most formidable Fleet upon the seas, so long, according to the general view of the English people, she must necessarily command the seas; and while she commands the seas no power on earth, they have been taught, can hurt her. Accordingly, while complaint and criticism of all other branches of the public service are the commonplaces of English political life, the Naval Service enjoys from both a constant and almost unshakable immunity.

In practical truth, however, the matter is far from being so simple as this; and no comprehension of its true character is possible until this supposed identity between an over-

whelming Navy and the command of the seas is definitely banished from the mind. There is, and can be, no such identity. An overwhelming Navy may exercise in time of war a true command of the sea; nevertheless, however overwhelming its strength may be, it may be quite easily and completely prevented from doing so. The tossed and war-worn frigates of Lord Nelson exercised in defence of England and on behalf of all Europe in 1800 a true command of the sea; the vast and serried squadrons of Lord Jellicoe in 1914 exercised nothing of the kind. And this enormous difference in effective strength was in no way due to any inferiority of fighting power in Lord Jellicoe's squadrons. There was no such inferiority. The difference arose simply from the fact that whereas in Lord Nelson's time the Government of England, and the whole people of England behind it, believed implicitly in the power of the Rule of Law at sea to deliver them and all Europe at last from the power of their common oppressor, the Government of England in Lord Jellicoe's time had no such belief at all. The causes of this change of view, and the steps which led to its adoption, will be examined in detail later. All that is here desired to be made clear is that the command of the sea is not to be secured merely by a multiplication upon the seas, under the seas, or in the air, of warships, fighting men, and warlike material.

For the truth is, and it cannot be too insistently declared, that the effective command of the seas is a matter not merely of force but also, and even more, of law. Force alone, however great, cannot command the seas in any practicable sense. Law also is peremptorily required. For a command of the sea differs completely in character from a command of the land. The whole fabric of the command of the sea, the only basis on which it can anyhow be made to stand, and, above all, the sole machinery by which it can be made to work in practice, so far from being creations of force are all the creations of law. It is of the highest practical importance that this truth should be made clear beyond all doubt; for, until it is firmly grasped, the fundamental distinction between the power of the sea and the power of the land can never be understood. That distinction, as we shall endeavour to

show in a moment, lies simply in this : that, whereas warlike operations on land consist exclusively in attempts, more or less successful, to destroy by violence both life and property, the true warlike operation of the sea destroys neither life nor property, and is controlled at every one of its stages by open, impartial, and completely civil law. The difference between these two conceptions of war is profound. It is well understood both by the seaman and by the lawyer. But there is in the practical work of the sea, as well as in that of the law, a quality which appears mysterious to men outside those occupations ; and because the power of the sea in war works only in a close combination of these two mysteries, it has come to be largely unknown to those whom in fact it most nearly concerns, and even unsuspected by them. Yet this great secret which the sea alone possesses, the secret of waging effective and conclusive war by a mere enforcement of universal law and without the destruction at any stage either of life or of property, surely deserves in these perilous days some little serious attention.

So completely unsuspected, however, even by the greater part of Englishmen themselves, is the true nature of the process of making war upon the seas, that a theory completely subversive of that process, and designed in fact to render impossible all effective war at sea and so to confine all wars in future to the land is now, apparently, widely current among them ; the theory, namely, that, by sea as well as by land, war is from its very nature the negation of all laws and a substitution for them of a rule of unmitigated force. Such events, for instance, as the invasion and occupation of Luxemburg and Belgium by the German armies in 1914 ; the rapine, pillage, terror, and devastation practised both there and in France by the German invaders upon defenceless populations ; the constant use by those invaders, whenever it suited their purpose, of weapons and methods definitely forbidden by treaties and conventions to which Germany had set her hand : such freshly-remembered events as these, coupled with the interminable series of like illegalities perpetrated by armies all over the world within living memory, are often cited as proof of the contention that he who, after a war has actually broken

out, would still look back to law to govern the proceedings of the armed force of nations, is the victim of an insane and dangerous delusion. What security or protection of law, it is asked, was enjoyed by the long lines of robbed and broken refugees who filled the roads of northern France in 1914; what hope or help did they find in law for the sons and daughters, the farms and private property, abandoned to the spoliation of the warriors of the shore; and what, with such spectacles as these before us, is the use of prating about the sanctity of private property or a Rule of Law in times of war?

Nor, so far as war on shore is concerned, can it be seriously denied that this contention has very considerable foundation. It is true enough that, even in the midst of the daily and disgusting horrors inseparable from all war as practised on the land, the continued use by a State of illegal force rouses against her at last a quality and tenacity of resistance which always, in the end, have brought that State to a superficial repentance and so, to that extent, have vindicated the general laws of land-war. But the defect of this form of vindication is that, however complete it may appear to be, it is yet always a *post mortem* vindication. Occurring after the illegal events to which it refers, it has no restraining power over the events themselves; and it can really take the form of nothing more than a derisory attempt to restrain in the future some murderer of the past, by entering with him into some new agreement exactly as solemn and binding in character, sanction, and effect as those which, to suit his own lawless purposes, he has just openly broken in the face of all the world. Moreover, it is in truth not possible to wage war on shore without a complete and continuous violation of every known right of property. The military command of a captured province is subject to no control whatever save that of the military hierarchy in occupation of it. The lives and property of all its inhabitants have neither security nor protection excepting such as that hierarchy may choose from time to time, by mere arbitrary proclamation, to vouchsafe to them. Appeal to open, civil, and impartial justice there is none; or none, at least, until all the harm has long ago been done. And in these circumstances it is vain to pretend

that the laws of war upon the land have availed, or can ever avail, to protect persons and property from a rule of unmitigated force. Nor is it possible to consider fairly those laws as they now exist.[1] Their jejune and ambiguous wording, the infinite variety of interpretation to which, even in peacetime, they are openly subjected by different nations;[2] the fact that, according to so great an authority as Professor Holland, they must be taken to include the various and often contradictory instructions issued by national governments to their respective armies;[3] and the fact, above all, that the only tribunal existing to hear and determine the complaints of private persons during the course of war on land, is a tribunal set up on the spot by that very armed force against which the complaints are preferred: make it impossible to deny the essentially lawless character of all war waged upon the land. And this perception it doubtless is which really gives colour to the widely-spread view that war of every kind, whether waged by land or by sea, is in fact, so far as its actual operations extend, a mere letting loose of anarchy and a violent breaking-up and denial of all settled law whatever.

Happily, however, for mankind at large these premises in no way justify that sweeping conclusion. For they lose sight of the fact that there exists upon the seas of the world another conception of war altogether; a conception of war to which none of these premises applies; a conception of war under which the rights of no man will be allowed for a moment to be infringed; and yet a conception of war which, in final military effect, is as potent as any accumulation of the vile excesses of the shore. What, then, is the true character of this strange way of fighting; what is the real point and meaning of war upon the sea; and wherein lies the actual military significance of its command?

[1] See the Geneva Convention of 1911 and the Hague Conventions of 1907 in Cd. 3857 of 1908, Cd. 4081 of 1908, and Cd. 4175 of 1908.

[2] Compare, for instance, the interpretations of the Hague Conventions of 1907 by England, as set forth in Professor Oppenheim's official *Manual of Military Law*, with those of Germany in her even more official *Kriegsbrauch im Landkriege* with its continual insistence on military necessity, or "Kriegsraison", as justifying any horror.

[3] *The Laws of War on Land*, by Professor Holland, p. 2.

War at sea is concerned exclusively with traffic. It has no other concern or function whatever. Every single war-like operation at sea springs from and is governed by the needs and necessities of some particular form of sea-traffic. To this rule there is no exception. Without sea-traffic war at sea would have no meaning and could not be waged. Nor could war at sea be waged if all forms of sea-traffic were exempted by agreement from its operation. War in that case, having nothing there upon which to act, would cease upon the seas. War would be confined entirely to the land. Navies would have no function whatever and no reason for existence.

It may perhaps be permissible to doubt, with the greatest respect, whether this fundamental truth is always fully appreciated by Englishmen and even by all English naval officers. For the training of naval officers is largely directed to foster in them the belief that their sole function in war is to find, engage, and destroy the naval forces of their enemy; and that, with this destructive operation, the whole of their strictly military effect upon that enemy begins and ends. Yet the truth is far otherwise. The command of the sea is not shown by fighting. Fighting, on the contrary, implies that the command of the sea is being challenged, and that, to this extent at least, it has been shaken. A true command of the sea is shown by a complete and unvarying absence of fighting; so that, while blood and disorder are deluging the land, a rule of calm law and impartial order may still remain upon the sea. To ensure that calm, and not to ruffle it with battles, is the business of navies in war. To keep open and safe from all disorder, for friend and foe alike, the great road of the world for commercial traffic: to act upon that guarded traffic throughout all its journeys in accordance with, and as the agents of, the common law of all nations whether enemy or friend: that, during war at sea, is the essential function of a fleet. That is the end and object of all its operations; and if, as it has often happened, that end can be obtained without fighting, so much the better for that fleet, for all its country-men, and for the world at large. If, indeed, in its pursuit of this end battles must sooner or later be fought with other

forces seeking to impair the safety and order of the roads or to challenge its command of them, then fought those battles must be. But this necessity will be regrettable, even from the point of view of the victorious fleet and of its own purely military interest. For its true purpose, as has been said, is not destruction but order; not the loss and wastage of battles but the maintenance for its country and for the world at large of law and safe traffic upon the seas. And such fighting as it may have to do will be done solely as a secondary incident of that chief and primary duty.

Here, then, very plainly apparent, we see the first fundamental distinction between war at sea and war on shore. War on land consists essentially in fighting; but war at sea will be waged most successfully and most victoriously when no fighting whatever is required. War on land knows no method of bringing pressure to bear upon its enemy but that of destroying men or property or both. To destroy something or to be itself destroyed, is the sole and sad choice of armies engaged on shore in attempting to exercise a command of the land.

But the command of the sea has found a wholly different means of distressing its enemy. It seeks to destroy nothing. On the contrary, it seeks from the beginning of the struggle to preserve with jealous care every trace of economic life, every sign of trade, every product of the earth, every movement of commodities within its ambit; and, having so preserved them, the lawful and the unlawful together, it turns over, at its peril if it is later found to be mistaken, any case it may find of illegality, even suspected illegality, not to sudden hot tribunals of its own, but to open and civil Courts which will deal with it in due course according to calm, clear, and reasoned law. While, therefore, the success of armies in the field is perceived only through a continuous mist of noise, destruction, and bloodshed, the success of navies is marked throughout by the opposite attributes of quietness, preservation, and security.

This difference is enormous indeed; and its effect is seen in every detail of the practice of fleets in dealing with the subjects and property of their enemies. Except against the

regularly authorized and armed forces of their foe, the exercise of any violence or destruction whatever by a belligerent fleet having the command of the sea in time of war is utterly unknown.[1] All traffic, whether of enemy or friend, flows safely upon the seas during war. Every form of property there is preserved; all human life, whether of friends or enemies, is as carefully safeguarded there in war as in peace. But —and herein alone resides the military strength of a command of the sea—the lives and property thus preserved are subject, *as to their ultimate destination*, to the known and settled laws of civilized war.

Of those laws, therefore, every belligerent navy, and in particular that which has for the moment a strength greater than that of its adversary, is the appointed guardian; exactly as, and no more than, a policeman is the appointed guardian of law upon the roads of the land. Police, in civilized communities, do not enforce the law; that is the function of magistrates. The power of the police is a power, not to enforce and administer laws, but merely to invoke them; a power, that is to say, of inquiry on the spot into any suspected breach of the law, of such interference as may be necessary for this preliminary inquiry, and, in proper cases, of arrest. And these are precisely the powers exercisable upon the economic life of the world during war, by a belligerent navy at sea. It has, vested in it by the common consent of all nations, a right of preliminary inquiry on the spot into the character and intended destination of any traffic it may find upon the sea; and the further right, where that preliminary inquiry may seem to justify such a course, of arresting that traffic and sending it into one of its own ports for a full inquiry as to its true character, conducted by a civilian Prize Tribunal. But those are all its rights. And, in exercising them, it must damage unnecessarily neither the men nor the cargoes concerned; on peril of having its conduct in that respect publicly

[1] Only once, in modern times, has destructive violence against sea-traffic during war been attempted by any fleet whatsoever; and that fleet, as will be seen later, had never a command of the sea; was wholly inexperienced in the conduct of naval war; and brought down by its proceedings upon the heads of its unhappy countrymen the instant, determined, and successful resistance of the whole earth.

rebuked by the Court and of being compelled by that same Court to make good all such damage to those who have suffered it.

Wherein, then, lies the military advantage of what is called Command of the Sea? It lies in this: that a country at war in possession of a force at sea more efficient for its purpose than the sea-forces of its enemy, is able to exercise in greater degree than that enemy those full belligerent rights over the trade of the world which the common consent of all nations gives equally to both of them.

She is able, accordingly, throughout the war, to drink more continuously than her enemy from those streams of sea-borne supply in which, as it has been seen above, the economic life of mankind chiefly consists. She is able, while fostering and safeguarding those streams to the utmost of her power, to draw more fully than her enemy upon their infinite products; and to place those products, if she so desires, at the disposal of herself and her allies more largely than her enemy can. She stands in short, throughout her struggle, in close and continuous contact with the whole movement and resources of the world. And, more than all these, she is able, while maintaining that contact throughout the war for herself and her friends, to deprive her enemy in daily increasing degree, by a constant resort to the common law of all nations, of effective contact with those streams and of participation in that movement. Thus, while maintaining and even increasing her own material warlike resources of every kind, she progressively diminishes those of her opponent.

But the whole of this advantage, immense from the military point of view as we shall see it to be in a moment, yet rests entirely upon Law. For the advantage cannot accrue to a belligerent at all, solely from an interference at sea with the property and subjects of his enemy. It involves interference also, and by both belligerents, with the property and subjects of States in no way concerned in the quarrel. Unless, therefore, it is to be said that a belligerent State at sea may deal exactly as she pleases there with the lives and property of all her friends, merely on the ground that she happens to be engaged in a quarrel with somebody else—unless, that is, a

rule of unmitigated force is again to descend upon the seas, and to dismay afresh with every war, however petty, the trade of the whole earth—the neutral, equally with the belligerent, must consent beforehand to this unusual treatment of his property. And since no man can say with certainty before a war has broken out which States will be neutral in it and which belligerent, a rule arranged beforehand and based upon the common consent of all civilized States is essential to the practical conduct of belligerency at sea.

Such a rule, as it has been seen, in fact exists. By that rule the whole fabric of mutual rights and duties as between neutral and belligerent States at sea in time of war is declared and regulated. Under it, the right of sovereign States at war to invoke the decision of properly-constituted Prize Courts as to whether or not any specified consignment of goods found moving by sea, ought by law to be allowed to proceed to its originally intended destination, is a right enjoyed in absolute equality by every such State on earth. It is no greater in a State having the command of the sea than in any other. It is merely, therefore, in the possession of a preponderant power to exercise this general right of invocation that what is called the Command of the Sea consists. But this very power, being only at last a power of enforcing a resort to law, plainly derives its whole and only military value from the concurrent existence firstly, of that law; and, secondly, of universally recognized tribunals by which it may be authoritatively enforced. By that law, then, and by those tribunals it is that a command of the sea alone can be maintained. By law it lives; and by law, quite easily, it may be made to die.

So long, however, as by the common consent of civilization the existing principles of the laws of war at sea are in substance maintained, that nation which, during a struggle with any opponent, is able most readily and most often to invoke them in assertion of her maritime rights over traffic, will always have over that opponent a great and standing advantage. For whether or not she chooses, or is able, to impose upon him in any degree the characteristic pressure of the land, which is Destruction, she will certainly be able to impose upon

him the characteristic pressure of the sea, which is Deprivation. And of these two forms of pressure the latter, though the quieter, is always at last the stronger. Never yet in the whole history of war have the powers of Destruction, when fairly ranged against those of Deprivation, been found able to prevail. Against the armed violence of enemies on shore, the forces of the land have no defence save that of more armed violence. But the sea, standing calmly back from this dreadful picture, and exercising no violence at all at any stage, has yet the power of restraining and finally of ending the rage of its enemies, by depriving them of everything they need to make their rage practically effective.

Here, then, is the second great distinction between war at sea and war as waged on shore. The two conceptions of war differ completely. They differ in immediate object and they differ therefore also in method. The immediate object of war on land is Destruction and its method accordingly is violence : the immediate object of war at sea is Deprivation and its method accordingly is preservation and law.

The contrast is striking. That it should be possible to wage war of the most effective sort, while carefully safeguarding and preserving all life and all property whatever, must ever seem to those accustomed to the violent disorders of land-war a perfectly idle and visionary fancy. Yet, as all the greater leaders of armies have known, that possibility is no fancy but a hard and an unanswerable fact. To the utmost limit of its strength, and upon two separate occasions divided by more than a hundred years of time, the full warlike power of the land, which is destruction, has been arrayed against the warlike powers of the sea, which are order and preservation. Upon the one element, in each case, arose a vast fabric of illegality, destruction, violence, bloodshed, and a progressive dissipation of wealth ; upon the other reigned throughout, so far as the stronger force could secure them, and in a degree to which no kind of parallel either was or could be attempted ashore, order, conservation, regularity, and law.

To those two occasions we must now turn. The first was presented by the Napoleonic Wars ; the second by the Great War with Germany of 1914.

# X

## THE FIRST TEST

### I.—The Land against the Sea

THERE is not in the whole range of history a story so astounding as that of the rise of Napoleon Bonaparte. Nor is there any chronicle more completely convincing than that of his fall. Both have aroused, and must always continue to arouse, the interest and amazement of all mankind. Volumes have been filled, and will for long continue to be filled, with every detail of each; and it will never be possible for any historian, whether of war or of peace, to be indifferent to the inconceivable romance of this particular man's achievement.

"To be a little Corsican mountaineer; to land one day, a "mere child, without name, money, or any connection on "the continent, from some fishing-boat; and twenty years "later to have seven or eight kings and queens as brothers "or adopted children; to give away, like alms, to ex-grooms, "inn-keepers, or sergeants, thrones chosen from among the "most ancient of the earth or created by his own decree; "to take the crown of Charlemagne from the hands of the "highest pontiff of the loftiest faith in order to place it on "his own head; to snatch up on his way the daughter of the "oldest Empire of Europe and take her as his wife; and to "do these things in such a way that men coming after him "should think them all quite natural and should not be able "even to imagine a history in which they had not happened",[1] that is a romance indeed; a romance unparalleled in any

[1] *Napoléon*, by Élie Faure, Paris, 1921, p. 87.

fiction ever written or imagined. And yet, even at its height and as it stood, it was a romance which in no way satisfied its hero.

For Napoleon, it is now well known, though for many years the master of Europe, was never content with so narrow a dominion. He aspired from the very beginning of his career to the domination of something far beyond that "old Europe", for whose traditional life, institutions, and defences he never for a moment concealed his contempt. Possessed from head to foot by a fiendish illusion, which he called his Destiny, that he was called upon by reason of his own will alone to command and reorganize the entire human race, he recognized no kind of bounds to that ambition; and the whole twenty-two years of his active participation in affairs were devoted to efforts, the like of which the world had never seen before, and will never see again, to compass that end.

The temporary mastery of Europe which he achieved, was regarded by him as a mere preliminary consolidation of that central European pivot upon which, under his own control, the farthest nations of the world were in future to turn. India, Australia, and the Powers and Islands of the East, no less than Louisiana, the West Indies, and vast territories in North America on the West, all received their share of his minute and world-embracing attention; and each in turn, if his enormous plans had succeeded, would have taken its place in a world-wide and centralized dominion deriving its political unity from his own newly-created throne in France.

Nor was the scope of this design more striking than the means by which he proposed to achieve it. For in the France upon whose hated shores he first landed at the age of nine, to be educated at the charge of King Louis XVI, and even in the France of fourteen years later in which he first spread his iron wings, there was little of that grim and utterly mistaken efficiency which later, for his own purposes and with his own right hand, he set up and maintained there. The revolution had indeed filled France with missionary fervour, and with a real desire to spread the shaking gales of Latin liberty among her neighbours. But for this formidable task France, in 1793, had little more equipment than that of her own dauntless

but somewhat daunting example. Ringed round by outraged monarchies and distracted by every form of divided counsel, she could hardly hope to spread her new doctrines with practical effect, even among her own next door neighbours, without some far more definite direction than any which she then possessed. This definite direction, of which all parties in France equally felt the need, the young Corsican provided. And he provided it in military, diplomatic, and the most intricate civil affairs alike, without advice from anyone, without help from anyone, by the sheer unaided power of his own intelligence. To that lonely and sombre genius he trusted throughout; and certainly if intellect alone, unhampered by scruple, could ever achieve the domination of the world, Napoleon would have achieved it. He did not achieve it. Nor did he ever achieve in any real sense, even for his own little moment, the domination of any European people other than the French. For the operations of intelligence in the domain of practical affairs are themselves controlled by a master which has, as he himself confessed in one of his letters, no compassion. His master, he said, was "the nature of things". And the nature of things was against him.

His plan, though spreading at last to the farthest parts of the earth, was to be begun and founded on a complete and forcible regeneration of Europe. "It is necessary", he said, "to save the peoples of Europe in spite of themselves". Writing to his brother Jerome, whom he had made King of Westphalia, he explains that there had been in Europe more than 30 million Frenchmen, 15 million Spaniards, 15 million Italians, and 30 million Germans, all of whom he had wished, if he had been able, to form into "one sole and single national body". "I wished", he says in this wild letter, "to prepare the fusion of all the great "European interests, just as I had already accomplished the "fusion of the various parties in France. . . . I did not "trouble about the passing complaints of the various peoples "themselves, because I was quite sure that the result of my "proceedings would infallibly bring them round to me in "the end". England herself, he thought, if he could once

capture London, proclaim a Republic, abolish the House of Lords, and announce the sovereignty of the people and the rights of man, would certainly have fallen into her proper place in this new world arrangement. And in this way, said he, " Europe would soon have become in truth only " one people, and any man travelling anywhere within her " borders would have found himself always in his own common " country ". " In accordance with this plan ", says Laplace, " and thanks to the genius of the Emperor, the whole of Europe " will soon form only one immense family, united by the same " religion and by the same code of laws ".

And, outside this regenerated Europe with its centre of power in France, looking also from afar towards that common centre, were to lie, as part of the same political combination, the mysterious races of the East, and all the colonial dependencies of the absorbed Powers of Europe. Such, unquestionably, was the plan at the back of this extraordinary man's mind ; and such the task to which his prodigious genius was directed. He had behind him for its accomplishment, every form of power which the entire resources of the land can afford. If the power of the land alone, without assistance from the sea, could really create dominions and maintain conquests, his proposed dominion would assuredly have been completed. But, by a singular irony, it was reserved for this same man, the absolute master of every power possessed by the land, to show to all the world the essential weakness of those unaided powers ; and to demonstrate in his own person, and for all time, the truth that not all the powers of the land banded together, and wielded by a genius of the highest order, will suffice at last to contend with the greater potency of their eternal master, the sea.

For to maintain, even for a year, the immense dominion of Napoleon's dream, he would have had to descend like another Augustus [1] in overwhelming strength upon the sea ; since there alone, from the very nature of things, spread the main arteries of its economic strength. And if, even to maintain his proposed dominion, he would thus have had to

[1] See *Trade Routes and Commerce of the Roman Empire*, by M. P. Charlesworth, M.A., p. 8 *et seq.*

come at last to the sea, his appearance there was even more essential during the actual process of its construction. For, without a free and secure use of the waters, not only was his proposed outer dominion plainly impossible, but the very pivot upon which it was to turn could never be securely framed.

There, in the very centre of his strength, in the heart of regenerated Europe itself, the imperious demand of men for Trade would certainly sooner or later assert itself; and, if it were ever cut off from the life and movement of the world upon the sea, his central pivot was certain at last to fall apart and fail him. A power, therefore, able to clear away all obstructions appearing upon the seas to the Trade of the whole fabric, was essential alike to its construction, and to its maintenance after it had been constructed. But that power, as it has been seen above, is the power called by the name of the Command of the Sea.

It has sometimes been suggested that Napoleon himself never realized this truth; and that his continuous and exclusive reliance upon the powers of the land, arose from a belief that they could be made to effect his purpose even against the opposition of those of the sea. The suggestion is belied, however, by everything he ever said or wrote upon the subject. From the beginning to the end of his whole astonishing story, he saw the truth with bitter clearness; and the whole mind of France saw it with him.

To go on constructing in Europe year after year, by means of unceasing battles and unwearied invention, a new political fabric whose life was all the time and from day to day controlled from the waters by a power outside its borders, was merely to construct a fabric which at last must elude his grasp and demonstrate, by the mere immensity of its final collapse, the extent of the control to which it had been subject. That was the shadow which ever stood behind the throne of Napoleon; causing him, and all France with him, from first to last, to regard England as his real and incomparably most formidable enemy. Against her and her accursed ships he never ceased to plan and to inveigh; and by every method open to a land-bound fighter, he sought to

shake from off his neck the dreadful encirclement of the sea. First, by elaborate systems of coastal control, he sought by means of troops upon the land to secure free passage upon the coastal waters. But coastal waters will not suffice for the life of Europe, and his effort wholly failed. Foiled in that design, he took his necessity in both hands and, by solemn decree, denied sea-trade to Europe, laying thus by force upon all his friendly neighbours the deprivation from which he himself could not get free; and this truly desperate device it was which, as will be seen, forced on his final destruction. Neither method succeeded, nor could succeed.

For men, from the nature of their existence, cannot live without trade. The sea, which, as he himself had written in 1790, "was the first source of riches and power—the sea, "which raised Tyre, Carthage, Athens, which still upholds "England, Holland, France, etc., in the height of splendour "and power",[1] is not to be mastered from the shore. Standing back from the land, remote from it, and yet essential to it, the sea cannot be dealt with from the beach. Those who wish to take part in the affairs of the sea and to use its strength for their own purposes, have but one resource. They must go down boldly into the sea itself and there, upon its actual surface, try out their issues with it. And this enterprise, partly from design but chiefly from necessity, Napoleon never attempted.

The sea, therefore, as he had himself described it and still capable of the effects which he had attributed to it, remained closed to him throughout his career. Available in all its strength to England, it was unavailable throughout to him; and, in the cause of those who trusted to it, dogged his every footstep; nourished his every enemy; broke up his dazzling combinations in turn; revealed and mocked at his dreams of vast and distant dependencies; caused his hard-won friends to fall away from him one by one like the leaves of an artichoke; steadily throughout all Europe encircled and contained him; and at last forced him out of all his land-bound glory into its own cold embrace.

[1] *Lettres sur la Corse*, quoted by Professor Holland Rose in *The Cambridge Historical Journal*, vol. i, No. 2, 1924, p. 138.

It is this opposition, tried out to the last gasp, between the two conceptions of war already described—the land-conception of war by violence and destruction, and the sea-conception of war by order and deprivation—which gives its abiding interest to this great struggle. It was a contest at last, and always, between the forces of Destruction and those of Deprivation; and, fought out as it was to the bitter end on both sides, it showed by actual prosaic demonstration in which of those two opposite forces, even in the simple Europe of that day, the true warlike strength of the world is to be found.

If that final strength had lain with the forces of the land, Napoleon had it; and, leaving England alone in her wild seas, he could have proceeded by land to a progressive domination, first of Europe, and then at last of Asia and Africa as well. But if the final strength of the world lies in truth upon the waters by which it is encircled, so that no power exercised upon the land can for long be maintained in the face of deprivation from the sea: then the dream of Napoleon was a dream indeed; and all similar dreams in the future can be but dreams also, unless they can count upon the help of the sea; or, at least, upon the absence of all opposition from the sea.

When, then, on 1 February, 1793, the island of England, numbering with Scotland less than 10 million souls, entered upon the first stages of a struggle with the European Goliath which, with a short break of fifteen months was to last for twenty-two years, she was embarking upon an enterprise in all respects greater than she knew; and she was destined, before that struggle was over, to find herself more than once completely alone with such resources as she had, against the centralized might of the whole of Europe.

Her army, which in 1792 had consisted of a total of 56,859 men, reached in 1802 a total of 404,068 men and never afterwards surpassed that figure. Her navy of 17,361 men in 1792 reached in 1813 its highest strength of 147,047 men. Her disposable forces were thus at no time comparable in point of numbers with those of the continent soon to be arrayed against her. But she had in her armoury two weapons upon

which, from the beginning to the end of this tremendous encounter, she firmly and doggedly relied. She had a free use of the seas of the world; and she had, in common with all her enemies, the common consent of civilization to the Rule of Law upon them. In all other respects her warlike resources were small. But those two things she had. In them she trusted. With those two smooth pebbles in her sling, she did not fear to confront Goliath; and it was not to be long before their effects were felt.

With the Treaty of Campo Formio of October 1797, what has been well called the "first or Italian act" of Napoleon's career may be said to have ended; and France had acquired, by virtue of his efforts, an apparently complete mastery of Italy, Spain, and Holland. Glory and gain enough, one would have thought, even for nearly five years' war. And yet by all accounts, there was a flaw in the edifice of glory. For in that same year the Chief of the Bureau of Commerce of victorious France reports to his government in Paris that: "The former "sources of our prosperity are either lost or dried up. Our "agricultural, manufacturing, and industrial power is almost "extinct".

How could these things be? To triumph in eighteen pitched battles, to capture 150,000 prisoners, to carry off to Paris priceless works of art and the customary vast sums of money wrested from astonished but forcibly liberated populations; and yet to suffer an almost complete loss of economic power in the process, seemed to suggest some fundamental defect in the arrangements. What was that defect? What was the name of the malign planet, revolving outside the orbit of all this continental glory, which thus continually contrived to dim its rays? Napoleon knew; and did not hesitate to say. "Either", he wrote to the French Directory only a week before his glorious Treaty was signed, "either our government "must destroy the English monarchy, or it must expect to "be itself destroyed by the corruption and intrigue of those "active islanders. Let us concentrate all our activity upon "our navy and destroy England. That done, Europe is at "our feet".[1] And France knew, too. For when the young

[1] Letter of 10 October, 1797.

hero was officially received in triumph by his countrymen in Paris, the chief spokesman among them, the formidable Barras himself, pointed northward in the direction of England; and, addressing the young Napoleon, exclaimed: "Go "there and capture the giant corsair that infests the seas! "Go; punish in London the outrages which have remained "unpunished too long!"

Why all this rage? What were these unpardonable outrages? What, precisely, while victorious France was winning glory by handfuls on the continent, had England been doing? To all appearance, very little. For two years, her troops in Flanders had failed completely in all their undertakings; and, utterly discouraged, had returned in April, 1795, to England, leaving Holland subject to France, and Prussia making peace. At sea, it is true, her ships had destroyed a certain number of French ships of the line off Ushant, of Spanish ships off Cape St. Vincent, of Dutch ships off Camperdown; and, true to the preserving tradition of the sea, had saved and brought to England as valuable captures an almost equal number of these foreign men-of-war.

But the material loss thus suffered by France was slight indeed, compared with that which she herself was inflicting upon her foes. From this point of view the advantage all seemed to lie upon the side of France. For England there were no 150,000 prisoners, no vast sums of money taken, no occupations of enemy territory, no burnings, no statues, no requisitions of 20,000,000 francs from Lombardy, no pillage; not even, on any occasion, the humblest or simplest massacre. On the contrary. So far was she from all these lucrative forms of glory that the war which, so far, had already seemed to bring to France immense accessions to wealth, to England had brought only an increased taxation of 167,000,000 pounds; including a sum of over 10,750,000 sovereigns, which, by the end of 1797, she had paid over in hard cash to her German and Sardinian friends. Why, then, this Parisian rage in that year against the "giant corsair" of the North; against these 10,000,000 islanders immured away from Europe among their smoky seas? What had England been doing to arouse such rancour?

The answer is simple. She had been applying to the situation created in Europe by the violence of the land, the great emollient of the Rule of Law at Sea. And this is precisely what no conquering power of the land can stand. The trade of the world, then as always, was running upon the seas; and over it, as it has been seen, there lay the Rule of Law. By that rule, based upon the common consent of all nations and equally applied by all of them, the property of an enemy wherever found at sea would be condemned as good prize by every Prize Court in Europe and, so condemned, would be added to the resources of the State which captured it.

The property, therefore, of England, Austria, and Prussia upon the seas in 1793, would be all at the disposal of France if she could seize it there and take it before her Courts; while that of France, if England could find it upon the waters, would similarly be added to the resources of England. Without that rule, the powers of shore-destruction could renew their strength and prolong their struggles indefinitely, sure of unending supplies of material from the whole resources of the world. With it, the Power which at sea could most steadily invoke it would find herself, though destroying nothing, yet regularly barring out her enemy from the life-giving streams of the earth and making them at the same time yield more than ever to herself.

The property of France upon the seas, in short, and that of all her fighting friends, was flowing into England throughout these years; and, by the calm and settled operation of law, was adding with every day that passed to the total of her lonely resources. It was this immense diversion, and this alone, which in less than five years, and despite all her continental gains, had caused the former sources of French prosperity to be "either lost or dried up"; this it was which had rendered "almost extinct" her agricultural, manufacturing, and industrial power; and this was the true nature of the "outrage" against which, and against the effects of which, from that moment, Napoleon was to turn his whole unresting strength. Old Europe, as he said, he could easily subjugate and manage. But what was to be done with this horrible power of the sea?

It must be destroyed. And, since he would not go to sea himself, it must be destroyed *from the land*. The land, with all its glories and forces, must subjugate the sea. An "Army of England" must be formed. It is formed forthwith. Napoleon accepts its supreme command; and, gazing from Dunkirk over the unpromising waters of the Channel, in February, 1798, he thus sums up the situation:—

"Whatever efforts we make, we shall not for some years "gain a naval supremacy. To invade England without that "supremacy would be the most daring and difficult task "ever undertaken. . . . If, having regard to the present "organization of our navy, it seems impossible to gain the "necessary promptness of execution, then we must really "give up the expedition against England, be satisfied with "keeping up a pretence of it, and concentrate all our attention "and resources on the Rhine, in order to try to deprive "England of Hanover and Hamburg: . . . or else undertake "an eastern expedition which would menace her trade with "the Indies. And, if none of these three operations is practic-"able, I see nothing for it but to make peace with England."

Invasion, in short, is impracticable. Trade, which runs upon the waters, is the whole strength of England. Deprive her of it. Prevent her hated ships from using Hamburg—not by meeting them at sea and applying to them the Rule of Law which would have placed both them and all their merchandise at the service of France but—by a land-domination of Hamburg itself. Arrange this, if possible, by agreement at Rastadt with the German diplomats. Meantime the Army of England will repair to Egypt, stand across her eastern trade, and strangle it. Money, however, is a difficulty; for French trade already languishes, and even revolutionary troops need clothes and some little pay. Rome and Switzerland are weak. Berthier is launched at the one and Brune at the other.

"In sending me to Rome", writes Berthier, "you appoint "me treasurer to the expedition against England. I will try "to fill the treasury". He succeeds. A vast train of pictures and statues leaves the Eternal City for Paris; and stolen cash pours into Napoleon's coffers. Brune also succeeds; and

15,000,000 francs, 130 cannon, and 60,000 muskets leave Switzerland for France as the price of Swiss regeneration. A great armada is thus equipped at Toulon.

England, aware of the French talk of invasion, is believed to have withdrawn for ever from the Mediterranean. All seems safe and clear; and, on 19 May, 1798, Napoleon slips out of Toulon in the midst of his armada: a fleet of some 100 ships convoying nearly 400 transports and 35,000 troops. Malta is occupied, reorganized, thoroughly robbed in seven days, and left in triumph behind.

"Now", writes Talleyrand to his agent at Constantinople, "the trade of the Mediterranean must fall completely into the "hands of France"; and Napoleon, Commander-in-Chief of the "Army of England", sails on to Alexandria; seizes that great and ancient city; marches to Cairo; and, on 21 July, 1798, becomes by force the apparent master of that Egypt against which France as yet had not even declared war.

From this commanding position, according to his orders from Paris, he is to "exclude the English from all their "possessions in the East"; and according to his own private plan, to conquer Syria and then march either upon Constantinople or across Asia to Delhi. Why not? The land is his. Between Cairo and Delhi, even between Cairo and Constantinople, there is probably no land-force anywhere able to stop the conquering "Army of England"; and, as to the sea, it is in future to be dealt with from the shore. Eleven days after his entry into Cairo, it is true, the ships which had brought him there, had been destroyed or captured behind him by Nelson in the Bay of Aboukir; but that deprivation would only secure to him more completely the unaided advantages of the land. It is true that his letters to Tippoo Sahib at Delhi, offering a firm alliance and a speedy deliverance of India by land from the "iron yoke of England", had been intercepted on their journey by English cruisers and forwarded by them to England; but that was a mere accident of the post, scarce worthy the attention of a warrior. The treasures of Egypt despatched from thence by the "Army of England" to deck the museums of Paris were all, no doubt, proceeding by sea in the direction of the British

Museum. But these were details. The land at least was his. By advancing into Syria, the naval bases of Jaffa and Acre would be reft from English use, and Asia or Constantinople would lie open before him. To Syria therefore, by land, he proceeds. Jaffa is stormed, taken, and pillaged, on 6 March, 1799; plague strikes his troops; but, undaunted, the "Army of England" marches to reduce Acre. Its whole siege-train of cannon is coming there from Egypt by sea, across the blue waters of the Levant, to avoid the inconvenience of hauling it across a desert. The whole is captured off Mount Carmel by English frigates, carefully preserved according to their wicked wont, and set up upon the crumbling walls of Acre to greet his arrival there. The siege of Acre, thus ironically withstood by its own besiegers' cannon, fails; a return to Egypt is ordered; and at the height of his later European triumphs "the hero of Austerlitz was heard to "murmur 'I missed my chance at Saint Jean d'Acre'".[1]

The return journey to Egypt is desperate. Five thousand soldiers of the "Army of England" have already been lost before Acre. At Jaffa, over 1,000 more, stricken hard by plague, are confided at last to the healing sea; and, in seven ships carefully supplied with stores, water, and provisions by their English foes, they are safely returned to France. With the denuded remnant, in June, 1799, Napoleon re-enters Egypt; in July, he drives a Turkish force into the sea of that same Aboukir Bay which is still littered with the remains of his grand armada; and, on 22 August, 1799, having thus, except at Acre, been everywhere successful on land, concludes his first demonstration of the power of the land to coerce the sea by taking himself to the sea at Alexandria, running the risk of sea-capture on the way, and landing triumphantly but somewhat quietly in the little bay of Fréjus near Cannes in the following October.

Thus ended the second, or Egyptian, act of the great European struggle entitled "The Land against the Sea"; and, so far, it had revealed a certain ponderousness upon the land, and a certain lightness of touch upon the sea, with

[1] *Mémoires* of Lucien Bonaparte, quoted by Professor Rose, vol. i, p. 214.

which, apparently, even the highest genius upon the shore was already finding it difficult to deal. The " giant corsair " did not seem to have been greatly or anywhere dismayed; and on the long roads of the sea the menaced life of the world was still running.

But that life, so far as Europe was concerned, was regarded with profound disfavour by the new ruler of France. Its maintenance, unhappily for Europe, involved maintaining also the life and chief strength of England; and England, though negligible upon the land, was yet, for some reason, still the chief enemy to be vanquished. Trade is her strength: and sea-trade above all. Again, then, deprive her of it. Let a great confederacy of nations, looking to France as their centre, be built up in Europe. By holding with troops the coasts and islands of the Mediterranean, let that great sea be made a French lake; and let English ships and English goods be barred out by force from every port or country acknowledging the sway of France.

In this way trading, sea-girt England, who never seems to show her nose upon the continent and yet requires such urgent and constant attention, will certainly be brought to her senses. So long as she holds her present power at sea, it may not be possible actually to invade her. But all Europe may be forced to refuse to trade with her; and, if that can be accomplished, her utter fall must result. Nor will there be any serious injury to Europe in this process; for Europe, and especially France, relies upon her own agricultural resources for her essential strength, and does not depend for her life, like England, upon the maintenance of oversea trade.

Such, even so early as in 1795,[1] had been the method proposed for dealing with these troublesome islanders; and, from the moment of his landing at Fréjus in October 1799, it was eagerly adopted by Napoleon. Through all the changes and chances which, during the next few years, his restless ambition was to bring to Europe, he never for a moment forgot this urgent ingredient of his world-wide policy; and never

[1] See *Napoleon I*, by August Fournier, translated by Miss A. E. Adams, London, 1911, vol. i, p. 223.

once did he miss an opportunity of closing a port or ports to England's trade. By the middle of 1803 "the shores "of the Continent from the south of Italy to the mouth "of the Elbe were practically closed to English ships";[1] in February 1806 the whole German coast-line on the North Sea was similarly closed; and the whole of Europe, except only Sweden and Russia, was thus forced to attempt the enormous experiment of living without sea-trade. All English ships and goods were prohibited from entering those harbours; and England, unwilling to see them filled with neutral shipping, was investing the greater number of them in a close and lawfully declared blockade. Prussia, indeed, for a short moment, in September 1806, relieved the intolerable strain thus laid upon her by opening her rivers on the North Sea to the succour of English ships, hoping in this way to obtain both ease for herself and also some badly-needed cash from England. But five weeks later, smashed into the dust by Napoleon at Jena and Auerstadt, she submitted again to the furious will of her conqueror.

It is to be observed with great care, however, that up to this moment, the war, which so far as England and France were concerned had already lasted substantially for thirteen and a half years, had been conducted upon both sides according to the principles of the Rule of Law at Sea. On shore, it is true, the position of many of the States newly subject to Napoleon's will was in some respects anomalous; in that, though still legally at peace with England, they were nevertheless being forced by him to close their ports to English ships, and so to restrict their lawful trade with the obnoxious islanders. But up to the autumn of 1806 the proceedings of both sides in respect of trade upon the sea had been governed by the ordinary Law of Nations and had been subject to the rule of that Law.

Until then, neither side had so much as conceived the notion that the inconveniences of war entailed upon them by the public law of Europe, might perhaps be mitigated by sweeping away that Law altogether. This anarchical device, however, had long been meditated by Napoleon; and, upon

[1] *The Life of Napoleon I*, by Professor J. Holland Rose, vol. i, p. 436.

entering Berlin after the Battle of Jena, he staggered the whole of Europe by proceeding to carry it into effect.

## II.—The New Challenge

The central action of the great Napoleonic struggle between the Land and the Sea occurred in the winter of 1806; and it is necessary to appreciate with clearness in what that action really consisted and what was the precise situation with which it attempted to deal.

The war between France and England had lasted for some thirteen years. Napoleon during that time had made himself master of the greater part of Europe; and, in pursuance of his relentless war against England, had closed one by one the ports of Europe against both her ships and her goods. His object in so doing was to ruin England, by depriving her manufacturers of their whole European market and preventing her ships from earning profits by carrying goods to any part of the continent. By 1806, however, it had become perfectly clear to him that this object was not being achieved. England, though injured by his laborious devices, was not being ruined at all. On the contrary, though deprived of her direct trade with the chief ports of Europe, she was steadily and rapidly increasing the total volume both of her exports and imports; and, free as she was, and as Napoleonic Europe was not, to use the seas of the whole outer world, she was rapidly becoming, in consequence of Napoleon's continued war with her, the sole European depository of the products of every land on earth outside Europe.

Those products of distant lands, as well as her own excellent manufactures and productions of every sort, she continued freely to exchange with the entire outer world; and this operation alone provided for her a great and valuable trade. But that was not all. Acting under the full authority of the Rule of Law at Sea, she sold those same goods and products in enormous quantities to neutral merchants in Europe itself; who in turn conveyed them in their own coasting ships to all the principal ports of the continent. In this way the war, up to 1806, by relieving England of all her

chief competitors upon the long roads of the sea, had rather fostered English trade than reduced it; and the attempt to subjugate the sea from the land was failing completely at every point. So far, indeed, the system had worked in a direction precisely opposite to that which had been intended. The sea, in real truth, was slowly subjugating the land. For the chief countries of Europe, wholly debarred by the vigilance of English cruisers, acting under the Rule of Law, from employing their own shipping to conduct their own overseas trade, were forced to rely upon the exiguous merchant fleets of the few remaining neutrals. And this violent restriction of European oversea trade, continued over so long a period, had brought at once an artificial prosperity to the trade of England and an equally artificial stagnation to that of Europe.

Under the Rule of Law at Sea, in fact, financial and economic ruin were staring France and Napoleonic Europe in the face; and the first great attempt made from the shore to deprive England of her strength by depriving her of her trade was ending, after a thirteen years' trial, merely in a progressive increase of English commerce and in the impending ruin, through continuous deprivation, of all the sources of European wealth. In the first days of 1806, Napoleon himself had been summoned back to Paris in the utmost haste to deal with the continuous and overwhelming difficulties of French finance, and with a commercial crisis whose magnitude had alarmed even him.

This was by no means the first such crisis with which France, under the rule of Napoleonic glory, had been faced; nor was it to be by any means the last. By measures of the utmost violence he tided it over for the moment; and, while preparing a brand-new naval and colonial policy for France, opened negotiations for peace at last with England. They broke down; and Prussia, strangled by her own enforced refusal of sea-trade, opened her rivers, as it has been seen, for a moment to the real life of the world, always ready to flow to her from England. Furiously striking her down at Jena, Napoleon entered Berlin, and there flung out over the heads of a cowering Europe his final desperate stroke against England.

The whole Rule of Law at Sea was operating against him. That rule therefore must go. His only hope of keeping famished Europe in touch with the life flowing in abundant streams upon the waters, lay in maintaining the immemorial right of neutral merchants to trade freely with Europe, with England, and with one another. But that right, secured to them by the unchanged and unchanging Law of the Sea, while it assisted him, was in fact, it seemed, assisting England still more. Moreover, the day of neutrals would soon be ended ; for he was now in the full march of his glory ; and within six months from his entry into Berlin the last great European neutral, Russia, was to end her neutrality, and join him against England upon the raft of Tilsit. Neutral rights, therefore, the mere creation and figment of a Law which dared to work against him, should go. To close his own harbours to English ships and goods was not enough. All harbours whatever should be closed to them thenceforward. No merchant in Europe, whether neutral or belligerent, should be allowed to touch them ; no ship owned in Europe should sail to or from any port in hated England ; and all trade in goods from England should now cease, even when carried on between one neutral merchant and another. England and everything English was to be eliminated completely from the continent. He and his soldiers would seize and destroy henceforward every trace of English goods that might be found, even in the warehouses of any neutral State still, in law, at peace with England.

Here was the Land against the Sea with a vengeance. It was the first great act of violence ever attempted to be directed by mere administrative decree against that part of the public law of Europe represented by the Rule of Law at Sea. Only one other such act has ever since been attempted ; and that, as will be seen, was the work of England —of all Powers—just over a century later. Both the first and the last availed merely to vindicate and fortify the Law they sought to attack. Both offences recoiled with bloody effect upon the States which ventured to commit them.

For the Laws of War at Sea, while admitting the diversion of sea-trade on due cause shown, never cease to foster and

preserve traffic upon the waters from wherever it may come and to whomever it may belong. By thus fostering general trade upon the seas in time of war, while at the same time admitting its diversion by proper authority, they perform two functions of the utmost importance to mankind: they preserve, throughout the contest, the general life of the world, and at the same time they steadily limit and contain the war itself, both as to its actual area and as to its duration. And both these functions they perform by permitting and safeguarding, during the war, the lawful sea-trade of all countries not themselves engaged in the struggle. All such countries are still the friends of both sides. Among themselves, therefore, a lawful sea-trade may freely run; and any interference with such trade by either belligerent would be denounced, condemned, and relieved at once by every Prize Tribunal in Europe.

In this way, by extending a constant protection to sea-trade running between all States still at peace, the Laws of War at Sea effectually preserve during war the general life of the world outside the war-area. But also, by allowing either belligerent to prevent, if he can, any such neutral merchant from directly assisting his enemy by sea to carry on the struggle, the Laws of Sea-War operate with great power to limit the violence of the war on land, to prevent its eternal duration, and to hasten the return of peace. If, by means of neutral shipping, the resources of the whole earth remain available throughout the war to both combatants, then indeed war on land may become endless.

But the neutral merchant, though still trading lawfully with all other neutrals and with both belligerents, may not take to either belligerent any goods which, in the opinion of a Prize Tribunal, are bound, in the actual circumstances of the moment, to assist him directly to prolong the struggle. At least, if a neutral merchant does this, he will do it at his own peril, and the Law will no longer protect his venture from interference at sea by the other belligerent if that should occur. For his action here, in helping one belligerent, is a breach of friendship or neutrality towards the other. It is, in truth, an attempt under the cover of friendship to

injure that other. It is therefore what both Law and good sense must combine to call an "unneutral service"; and, as such, it will receive no protection from the Law.

But now, in November 1806, the whole of this beneficent fabric was to go. Neutral trade at sea henceforward was to be governed, not by law, but by the executive decrees of a violent and land-bound conqueror. The remaining friends of England upon the continent were no longer to communicate with her at all; nor were they even to communicate with one another in the exchange of English goods. They were to confine themselves rigidly to a merely European coasting-trade, and to such goods as might reach Europe from the outer world without the intervention at any stage of England. It was true that this arrangement, if it could really be enforced, would probably remove all Europe from contact with the rest of the earth, and so gravely injure the general life of the world. So be it. So much the worse for the world, and so much the worse, perhaps, even for Europe herself. It was the only way left in which the land could attempt to bring pressure to bear upon the sea. It might exhaust Europe, but what else could be done? It would at least ruin England too; and that would justify anything. The grave public law of Europe, built upon the wisdom of antiquity and the accumulated experience of the western world, was never intended to shackle and restrain conquerors of Napoleon's mettle. Under the Rule of that Law, the sea was plainly prevailing over the forces of the land. Away with it, then; and away with it at whatever risk. Upon the land his will had long had the force of law. It should now have the force of law upon the deep seas also.

So reasoned Napoleon; and so are apt to reason all Executive Governments in a like case. His challenge was two-fold. As representing the warlike powers of the land he challenged directly those of the sea to a combat to be fought without gloves, without mercy, and without law. And, as representing unshamed and unshameable Force, he challenged directly the power of Law to restrain it.

On 21 November, 1806, this truly astonishing conflict was joined. It ended on 15 July, 1815, on the high and chequered

side of His Majesty's Ship *Bellerophon*. It resulted, as all such conflicts must, in a triumph for the Sea and for the Law of the Sea, so paralysing in its completeness as to leave no room for doubt thereafter as to where at last the final strength of the world resides.

### III.—The Result

1. The British Islands are declared to be in a state of Blockade.
2. All trade or correspondence with them is forbidden . . .
4. Every warehouse, merchandise, or property of whatever kind, belonging to an Englishman is good prize.
5. All trade in English goods is forbidden, and all the products of the industry of England or of her colonies are good prize. . . .
7. No ship coming directly from England or her colonies may enter any port which is French or under the power of France.
8. Every ship which, by means of a false declaration, shall act against these arrangements, shall be confiscated.

Such were the essential terms of the famous Berlin Decree of 21 November, 1806. Illustrated by that of Warsaw on 27 January, 1807, ordering the seizure of all English goods lying in the neutral Hanse Towns of the Baltic coast, and crowned by those issued from Milan on 23 November and 17 December, 1807, it set up completely and in the sight of all the world the plan by which, in the words of Napoleon himself, the sea was at last to be " subdued by the land ". And, when it came to be examined, that plan consisted simply in this : that though Europe was still to be allowed to drink from the streams of sea-borne traffic by means of French or other friendly ships, the ships and goods of England or her colonies were to be barred out of Europe absolutely—even though those goods were brought to Europe quite lawfully in the ship of a mutual friend.

The plan, in short, consisted in an attempt to deliver a

mortal thrust at England, by forcibly denying to all neutral merchants their right to trade on their own accounts with England or with her colonies, or even to carry any product of England or her colonies from one place to another by sea or land at all. It attempted to weld every State in Europe, whether legally at war with England or not, into one solid block of land; prevented, by fear of Napoleon's armies in their midst, from communicating with England or her colonies or from receiving in any way any kind of English goods. It constituted, therefore, a violent attack, supported by nothing but the bayonets of the shore, upon the right of England to trade with her friends in Europe, upon the right of those friends to trade with her, and upon the whole fabric of the public rights of Europe as expressed in the Rule of Law at Sea. The whole of that Rule, in order to bring England to her knees, was to be contemptuously abrogated; England, her products, and the trade which is her life, were to be isolated absolutely from Europe; and she herself, so far as the land could manage it, was to be "immured in the seas as in a "gaol".[1]

But here again, as in Egypt some years before, began to operate the unanswerable nature of things. It was not England which had been put into gaol. It was Europe.

England, it is true, faced by this extraordinary attack, had taken the wrong road; and, by Orders-in-Council as wholly unlawful as the French decrees themselves, had greatly added to her own difficulties without materially increasing those which France had brought upon herself. These English Orders-in-Council, issued in January and November, 1807, assumed in their turn to prohibit to neutral merchants all trade whatever between any two ports in Europe from which English ships were excluded, and, finally, declared a total blockade of all such ports; so that the only lawful sea-trade left open to neutral merchants by the bayonets of Napoleon, was sought to be unlawfully closed to them by the cruisers of England.

As being purely and essentially "retaliatory" and not "original and abstract", and with the clear and careful

[1] *Napoléon*, by Élie Faure. Paris, 1921, p. 191.

warning to the English Government that their arrangements in this respect "would cease to be just if they "ceased to be retaliatory; and they would cease to be "retaliatory from the moment the enemy retracts, in a "sincere manner, those measures of his which they were "intended to retaliate",[1] the Orders were administered and enforced against neutrals by the English Prize Tribunals. It is to be noted, in passing, as a shadow of what was to come just over a century later, that, under the pressure of this double illegality, the United States of America, in December 1807, forbade all vessels except ships of war to leave United States harbours; and, on 1 March, 1809, prohibited by Act of Congress all trade or friendly intercourse between United States citizens and the subjects of France or England, so long as the unlawful restrictions of those two countries should remain in force against their trade at sea. Thus the great neutral of the West withdrew herself and all her resources from that relatively small section of the life of the world over which the Rule of Law no longer ran; leaving England alone upon the seas, isolated both from Europe and from the United States, with her obnoxious Orders-in-Council in her hand; and Europe, under the lash of Napoleon, face to face with the task of living without sea-trade if she could.

She could not. It was she who was in gaol. It was not possible, even then—even for the agricultural and largely self-supporting Europe of that day—to live without the sea. Already, in 1806, before the Rule of Law at Sea had been broken upon either side, this impossibility had been bitterly felt in France.

"The war with England", wrote a former Prussian ambassador in Paris of that year, "was then, at bottom, the "only one in which the French public took much interest, "because the evils it inflicted upon France were felt at "every moment. Nothing was talked of so decidedly among "all classes of the people as the wish to have done with that "war; and when, at Paris, one spoke of peace, one always

[1] Lord Stowell in *The Fox and Others* (1811), Edwards's Adm. Reports, p. 312. See also, for Lord Stowell's view of these Orders, *The Snipe and Others*, Edwards's Adm. Reports, pp. 381, 382.

" meant peace with England. Peace with other nations was " as indifferent to the public as the victories or conquests " of Napoleon ".[1]

The power of the sea, then, to induce a desire for peace in the minds of its enemy, had already been felt long before either side had begun to commit breaches of the rule of law upon its waters. But the savage proscriptions of the Berlin Decree unquestionably added to that power; and when, on 27 October, 1807, four months after the famous meeting on the raft at Tilsit, Alexander of Russia outraged by the condemnation as good prize in London, under the violent English Orders-in-Council, of Russian ships engaged in lawful trade with France, at last accepted for his country the yoke of the so-called Continental System, and, without declaring war upon England, ordered his ports to be closed to English trade, Napoleon anxiously asked the Russian Ambassador in Paris how long he thought the commerce of Russia could stand " the stagnation brought to it by the " break with England, and whether Russia was suffering from " it much. 'At least as much as France' replied the " ambassador. And Napoleon admitted that France was " losing much from it too ".[2]

He was right. In that same year of 1807, says an entirely impartial American observer of France, " the effects of the " loss of external trade were everywhere visible,—in the " commercial cities half deserted, and reduced to a state of " inaction and gloom truly deplorable; in the inland towns, " in which the population is eminently wretched, and where " I saw not one indication of improvement but, on the contrary, " numbers of edifices falling to ruin; on the high roads where " the infrequency of vehicles and travellers denoted but too " strongly the decrease of internal consumption and the languor " of internal trade; and among the inhabitants of the country, " particularly of the South, whose misery is extreme, in " consequence of the exorbitant taxes and of the want of

[1] Lucchesini to Gentz in October 1806. Quoted by Professor Holland Rose in *Napoleon I*, vol. ii, p. 138.

[2] 7 November, 1807. *Alexandre Ier et Napoléon*, by Serge Tatistcheff, p. 241.

" outlet for their surplus produce. In 1807 the number of " beggars in the inland towns was almost incredible. The " fields were principally cultivated by women ".[1] Such were the black shadows of this singular form of glory and success ; and, dark as they then were, they were destined infallibly, under the new rule of lawlessness, to grow darker still, and to spread at last into every part of Napoleon's tragic dominions.

In 1810, so great were the exhaustion and stoppage of industry in the chief towns of his empire that " the paupers " amounted in many places to a third, in some to two-thirds, " of the whole population " ;[2] and, in France at least, the fate of these unhappy beings must have been sad, with " bread about " four *sous* a pound, or twopence English, and good meat " about eightpence English retailed ; tea only to be had by " ounces at a time as medicine ; coffee very dear ; sugar " (brown) from 4s. 6d. to 6s., and white sugar 7s. the pound ".[3]

And all this deadly pressure, laid upon Europe at least as much by the proceedings of Napoleon himself as by any action of England, was intended solely to complete the ruin of England by depriving her of sea-trade. Yet while the total declared trade of France fell from over 69,000,000 pounds in 1792 to less than 25,000,000 pounds in 1809, that of England, " immured in the gaol of the seas ", had increased in the same years from 44,000,000 to over 78,000,000 pounds !

" Never before ", says the learned Mr. Tooke, " was the " shipping of this country employed at higher freights. The " whole of the exportable produce of the East and West " Indies and of a large part of South America came to our " ports ; and no part of the continent of Europe could obtain " a supply of coffee, sugar, and other colonial articles or of " the raw materials of some of their manufactures except " from this country. We may be said to have enjoyed the " monopoly of trade ".[4]

[1] *Letter on the Genius and Disposition of the French Government*, by an American lately returned from Europe. Baltimore, 1810, p. 189 *et seq.*

[2] *History of Europe*, Alison, vol. x, p. 540.

[3] Prices at Bayonne in 1813. *The Private Journal of F. S. Larpent.* London, 1853, vol. ii, pp. 109, 110.

[4] *Tooke's History of Prices.* London, 1838, vol. i, p. 105.

Once again, it would seem, something was seriously wrong. The whole of this truly Napoleonic design, so far from enabling the land to coerce the sea, appeared to be enabling the sea to constrain and slay the land; and the "giant corsair" of the North looked, to the famished eyes of Europe, at least as gigantic as ever. Nor was it only that she was attracting to her shores the riches and commodities of the whole trading world. She was very satisfactorily exporting them also, and her own goods with them.

"Two-thirds of the exports of Britain in 1810", says Alison, "were to America and India. Notwithstanding the astonish-"ing success of the French Emperor in the fields of European "warfare, and the indefatigable efforts he made to exclude "English merchandise from the harbours of the Continent, "the exports of the country went on continually increasing "till the year 1811, when they experienced a great and "alarming diminution. They sank 16,000,000 in a single "year. That, however, was almost entirely the consequence "of the loss of the North American market, occasioned, not "by the measures of the French Emperor, but by our own "injudicious and ill-timed Orders-in-Council".[1]

Although, therefore, in February, 1808, every country in Europe, except Sweden and Turkey, had been forced to join in refusing sea-trade in the hope of destroying the strength of England, that trade was still maintaining the life of the world upon the waters; and it was Europe and not England that was in process of being destroyed.

Moreover, Napoleon's efforts to support his military strength without assistance from the sea, were rapidly taking on an aspect of pure farce. The determination of all men to trade was breaking out at every point against him, even among his own subjects, and even in his own imperial household. Less than a month after the thundering order from Berlin that "all trade in England goods is forbidden, and all the products "of the industry of England are good prize" his agents at Hamburg were busily buying, for the actual clothing of his armies, ship-loads of overcoats all made in England; and this, not because those agents loved England, but because the sea

[1] Alison's *History of Europe*, vol. xiv, p. 166.

could provide with ease and at a profit what all the wide land of Europe could not provide at all.

At every crack and crevice to which the sea could reach, and by every plan or stratagem that men on both sides could devise, the hated wealth of the world which England alone could supply was still carried into the continent. No orders, English, French, or American could avail to prevent it. Trade is the life of the world and will not be denied. "American "shippers carried freights of English manufactures and colonial "produce and traded with them, under false certificates as "to their port of shipment, in Holland, in the Hanseatic "towns, and in Prussian and Russian ports. In the "Mediterranean the neutral flag of Turkey on ships belonging "to Greek merchants concealed British cargoes which were "smuggled into Trieste, Venice and Genoa. . . . On the "North Sea and the Baltic smuggling had reached enormous "proportions, and in spite of decrees and regulations the "Continent was furnished with a continuous supply of the "prohibited British manufactures and colonial produce, "though at very high prices".[1]

From Heligoland, Jersey, and Sicily; through Salonica, upon the backs of mules over the Balkans to Belgrade, and thence by barge up the Danube into Germany; from the eastern shores of the Adriatic, where one firm alone employed five hundred horses in hauling English goods into Europe and into France herself at a cost "more than fifty times the present freight to Calcutta"; [2] in barges and women's clothes, on dog-packs and in the hearses of mock-funerals, the products of England and of her fast-growing colonial possessions were drafted on their last stage from the road of the sea to their actual consumers in Europe. And, as the last turn of this wheel of absurdity, the French Government itself, in pursuance of Napoleon's plan for forcing all his vassal States to look to France as the sole source of manufactured goods, was reaping an enormous revenue from selling to favoured French ship-owners licences to break

[1] *Napoléon I*, by August Fournier, vol. ii, pp. 130 and 131.

[2] See *The Life of Napoleon I*, by Professor J. Holland Rose, vol. ii, p. 219.

his own decrees, by importing into France the dye-stuffs and the great categories of indispensable provision which England alone at last could supply.

How long could such a system last ? How long could even favoured France herself expect to withstand such a pressure ? In 1810, Napoleon himself, alarmed at these inevitable effects of his own repulsion of Law, directed Savary, Duke of Rovigo, to ask these questions of the great French merchant-trader M. Laffitte ; and the answer given was the plain and palpable truth as to the whole fabric and effect of Napoleon's attempted defence against the power of the sea.

" The truth alone is worthy of the Emperor's genius. It " is necessary therefore to say that this blockade is pressing " not upon England but upon the continent, seeing that it is " only the continent which is thereby prevented from sending ' a ship to sea. . . . In this matter, Sir, there is not a single " State of all those in Europe ostensibly on our side which is " not really and secretly against us and, in its heart, with " England. . . . Genius itself, Sir, must bow before the " strength of facts ; and our ' licences ' bear witness to the " falsity of the present system. Violence does not last. " Already, for instance, our licences have destroyed the " blockade and have merely set up a privileged commerce " which assures profit to the English. Masters of every " market, they alone can buy and sell : they refuse our goods " and yet bring us those of India and America : so that we, " for instance, are paying six francs here for sugar which " they are buying for eight or nine halfpennies at the very most." [1]

It was true enough. Napoleon, having by executive decree destroyed all lawful trade by neutrals in English produce, was now compelled to break his own decrees in order to live ; and, by so doing, was held from day to day at the mercy of that very enemy against whom the whole proceeding had been from the first directed. He had defied the Sea, and the Sea was strangling him upon his throne. He had defied the Law, and was now to pay the price.

For there is a limit to the endurance even of the friends

[1] *Mémoires du Duc de Rovigo*, vol. v, p. 113.

of conquerors ; and that limit, in truth, had long ago been reached. The greater number of his so-called friends had up to now been weak ; and, though many of them had made desperate efforts to break away from his iron system, Napoleon had always been able to force them back again. But now, in 1810, the master of Europe from the Pyrenees to the Niemen became aware that the great and proud empire of Russia, without whose co-operation as he had himself admitted in 1812 "the Continental system is an absurdity" [1] was utterly declining to submit to that system any longer. The Baltic, he complains in a letter to Alexander, is full of English goods in ships of every nationality under heaven, including French ; and these goods, he says, are all being landed regularly at Russian ports. It was true. Russia could not live without the English trade. It was, as the great French historian of this period says "one of the functions of its life".[2] Since November, 1807, she had in form adopted Napoleon's system ; but in truth, as M. Laffitte had observed, her heart in that matter had been on the side of England. By 1810, her inclination towards some participation in the real life of the world could no longer be concealed ; and, so far from yielding to Napoleon's entreaties, Alexander in that year resolved to admit again to his Empire, upon easy terms, all colonial goods coming to his ports ; and at the same time to levy heavy duties upon those imports of manufactured goods from France, for which the lightest possible duties had been agreed upon at Tilsit just over three years before.

Forced, in short, to choose between life and death, "between "Napoleon who enslaves her politics and ruins her commerce "and England who makes her rich and will obtain for her "a supremacy upon the continent, she naturally chooses "England".[3]

And here, late but at last, is the beginning of the end. To stop at any cost this enormous leak in the great Continental

[1] Napoleon at Dresden, May 1912. See *The Life of Napoleon I*, by Professor Holland Rose, vol. ii, p. 237, Note.

[2] *Napoléon et Alexandre Ier ; De Tilsit à Erfurt*, by Albert Vandal, vol. i, p. 34.

[3] *Lectures Historiques. Napoléon et Alexandre*, by Albert Sorel, p. 194.

System Napoleon undertakes his appalling Moscow campaign. The leak, so far from being stopped, widens and increases. Hope and life revive in long-besieged Europe; help from England, in the form not merely of trade, but of that good cash which she alone always seems to have, is available; Moscow is followed at last by Leipzig; and the nightmare is over. In January, 1814, every single one of Napoleon's friends, except the Danes alone, has left him; Europe again is washed by the open life of the world around it; the Sea, which he has doubly flouted, is overwhelmingly avenged; in Prize Court and Treaty its voice and the voice of the Law by which it lives again are heard; and Force, which, for a short space, had thus dismayed the world, resumes for another century its place upon the sea as the servant and not the master of Law.

## XI

## THE RESISTANCE

THE events and the result of the Napoleonic wars had demonstrated to the European world that the island of England possessed a great and, above all, a very peculiar strength. Every Power in Europe had come at last, and with ample reason, to understand the full scope and meaning of Napoleon's aims; and they all now fully realized that, but for England alone, the single and universal European monarchy of his dreams would certainly, if only for a time, have been actually set up in that continent. When, therefore, after 1815, the general exhaustion of the struggle had begun to die down, Continental statesmen turned with an interested wonder to consider the real nature of that strange Strength of England which had in actual practice so far outweighed their own.

In what had it consisted? Not in armies; not in population; not, certainly, in any superior governmental or diplomatic skill. Her entire military establishment, combatant and non-combatant alike, had at no time equalled the one force of 440,000 effectives which Napoleon threw into the single battle of Dresden. Her population was but some ten or twelve million souls in all. And in every treaty which she had signed, or diplomatic encounter she had risked, she had been, then as always, thoroughly and often ludicrously outwitted. How, then, had it happened that Napoleon ever regarded her as his principal enemy, and that every State seeking release from his rule had always turned first to England for help, rather than to any of its own immediate Continental neighbours? What power, in short, had England, which her enemies had not?

To this last question, if closely considered, there could be but one answer. She had enjoyed, in the first place, as her enemy had not, a free and unhampered use of all the seas of the world; and so had remained throughout, as he had not, in continuous touch with the world of peace, with its teeming resources, with its full economic life. And she had enjoyed by reason of this fact, in far greater measure than he, the power to invoke the Law; the power, that is, to claim and to exercise her right, at law, to divert and take for herself his actual property wherever found at sea, and at the same time to ensure upon the waters the strict neutrality or friendship of her friends. These two things were the only advantages she had had to set against the overwhelmingly superior force, population, and diplomatic skill of her foes. But they had sufficed. Taken together, they had delivered Europe from an all but universal monarchy, and from at least a temporary destruction of all separate European nationality. Taken together, they had constituted the Strength of England. Taken and exercised together, they constitute it still. And the strength thus constituted was recognized then, as it is recognized in Europe now, to be extremely formidable in peace, and even more formidable in war.

But the sudden discovery of this fact was by no means confined to France, or to the array of doubtfully neutral States which had stood for so long compressed between the land-power of Europe on the one hand, and that of the open water and the whole world beyond, on the other. The discovery was made also, and announced clearly to the world, by the chief contemporary historian of these events; by one who, besides being an historian, had in his own person as a soldier and strategist taken a foremost part, upon the staff of the Emperor Alexander himself, in compassing the destruction of Napoleon's military strength at Leipzig. Looking back in the year 1820 upon the whole great drama in which he himself had borne so notable a part, he thus unburdens his mind upon this topic at the very opening of the Introduction to his *History of the Wars of the Revolution*:—

"A nation of twelve million souls inhabiting an island "and therefore born seamen every one of them; sheltered

" by their very isolation from all their neighbours' quarrels ; " able, on that account, to devote all their energy to building " up their strength upon the seas ; and able, by reason of " that strength, to undertake at their will the most difficult " and distant enterprises ; such a nation can hardly fail, " with such an accumulation of methods open to her, to " obtain sooner or later, unless she can be stopped in time, " a completely decisive supremacy." [1]

In this passage General Jomini touched the essential truth of the European situation as he then saw it. When his adopted country was in difficulties, the sea-borne help of England, and even large supplies of her essential but highly unmilitary guineas, had been eagerly sought for, grasped, and absorbed. But now, so far from paying its debts and expressing its gratitude, Europe was to see in the power which had just saved her from an unexampled despotism nothing but a creeping, hostile menace which, somehow or other, must be " stopped in time ". That menace was the Strength of England. And the strength of England lay upon the sea. How, then, was this sea-strength to be dealt with? The General had his solution ; which, he assured the world, was also that of many European statesmen of his time.

" It is necessary for the interest and the honour of the " world, for an equal enjoyment of commercial advantages, " and for the free use of the seas, that the chief maritime " strength of the world should belong to a Power situated on " the Continent ; so that, if she should attempt to abuse " that strength, it would be possible by a General League of " the Powers of the Land to force her to return to a system of " moderation, justice, and true equilibrium. As long as the " chief strength at sea remains in the hands of a Power which " is an island, nothing can be expected but monopoly and " outrageous despotism. This idea will be by no means new " to many statesmen, but I believe all the same that it " has not yet been set forth in any published work. Still " less has it yet become a guiding principle of Cabinets ; " all of whom, however, except that of London, would have

[1] *Histoire Critique et Militaire des Guerres de la Révolution*, by Lieutenant-General Jomini. Paris, 1820, p. 13.

" been interested to a greater or lesser extent in making it " prevail ".[1]

The sea, in short, must be in the hands of the Continent, so that it may in future be dominated from there. In this way alone could the world be saved from the grinding tyranny which had just relieved it from Napoleon. And this proposition, for the future, should become a " guiding principle " of the Cabinets of Europe.

There was much indeed to be said, from the point of view of military Europe, for this proposition as it stood. But the precise method proposed by General Jomini for its enforcement appeared to present difficulties. A chief maritime strength of the world was to be built up by some Power upon the Continent. Which Power was to undertake the task; and how was she to accomplish it? Nothing, it was true, could prevent any Power that wished to do so from extending her commerce and merchant shipping over the seas of the earth. The seas lay as open to all nations in peace-time as to England herself; and England neither would nor could prevent any country in any part of the world from using them as freely as herself. The English sea-trade itself was all of quite recent growth; and what England had done, starting from nothing, surely another Power could do, starting from much. And yet, when squarely looked at, this task of taking from English ships the carrying trade of the world seemed somehow difficult. There was a kind of convenience about the position of England with regard to Europe, as well as a kind of recently-acquired aptitude for the sea in her seamen, which might perhaps be difficult to shake. In peace-time, moreover, her services at sea were unquestionably useful to Europe.

It was only in war that her position there became intolerable, involving " outrageous despotism " and the mastery of them all. But, that war-time despotism and mastery depended entirely upon her right to capture the actual goods of her enemy upon the seas, and to ensure upon the waters the true neutrality of her friends. For the enforcement of that right she looked, and could only look, to Law; and the

[1] *Histoire des Guerres de la Révolution*, by Lieutenant-General Jomini. Paris, 1820, p. 12.

Law to which she thus looked arose solely from the common consent of all Nations previously expressed. Here then, perhaps, was a better way in which the war-time mastery of England could be at once and permanently paralysed; and paralysed without any necessity for competing with her either in the building up of navies or in the heavy peace-time work of the sea.

Let all the Powers of Europe, including England herself, come together; and let England herself if possible be induced to agree with them that henceforward the goods of her enemy in war-time should go peacefully forward without hindrance in any ship whatever. That would be a great new principle, entitled The Exemption of Private Property from Capture at Sea. Possibly, however, it might prove difficult to induce England to agree to this all at once. If so, let her be tried with the same principle in a rather less violent form; the principle, namely, that although the actual ships of her enemy might still be captured at sea, his goods are to go peacefully forward to him so long as they are carried to him in a ship belonging to one of his friends. This, which is a variant of the first principle, had long been known as the doctrine of Free Ships Free Goods. Either would do. Both, quite plainly, would suffice to destroy the war-time strength of England. If she could be induced to agree to them, the very Law itself which she had so steadily applied would have been altered. Her maritime supremacy, however useful to Europe in peace, would no longer avail against her enemies in war. England would be reduced to the position of an ordinary Power like the rest, driven to fight upon the land alone if she wished to fight effectively in future at all. The wars of the land, which Europe alone understood, could then proceed without any effective resistance from the hated sea; and the great land-rule of Force alone would again be safely established upon the earth.

This plan seemed—and still seems—to the Cabinets of Europe a far simpler and more effectual way of destroying the strength of England than that of General Jomini; who, indeed, had evidently never heard of the Law against whose operations he so boldly inveighs. The plan had

every advantage. It would involve no risk, and no laborious building up of a Continental maritime supremacy. If it failed, the position of the Continental Powers would be no worse. If it succeeded, it would be a success indeed for those whose quarrels and ambitions necessarily lie upon the land. At least, then, it could be tried.

Tentatively, here and there, the second of these ingenious proposals, known as the doctrine of Free Ships Free Goods, had already been made to England by one or other of the European Powers. But, before the peace of 1815, the affairs of England had been in the hands of men who, however violently in disagreement upon every other subject, had at least no illusions as to the meaning of these suggestions. "The question is", said Mr. Pitt in the House of Commons on 2 February, 1801, "whether we are to permit the navy "of our enemy to be supplied and recruited; whether we "are to suffer blockaded forts to be furnished with warlike "stores and provisions; whether we are to suffer neutral "nations, by hoisting a flag upon a sloop or a fishing-boat, to "convey the treasures of South America to the harbours of "Spain, or the naval stores of the Baltic to Brest or Toulon [1]; and when, later in the same year, Lord Nelson himself rose in his place in the House of Lords to "say a word or two" upon the recently-concluded convention with Russia, he described the principle of Free Ships Free Goods as "a propo-"sition so monstrous in itself, so contrary to the Law of "Nations, and so injurious to the maritime rights of this "country, that, if it had been persisted in, we ought not to "have concluded the war with those Powers while a single "man, a single shilling, or even a single drop of blood remained "in the country".[2] *Quanto magis admiraremini, si audissetis ipsum!*

But, after the peace of 1815, Mr. Pitt and Lord Nelson could speak no more; and something more dangerous by far to England than any shifting confederation of the Powers of

[1] *Speeches of William Pitt in the House of Commons.* London, 1806 vol. iv, p. 145.

[2] Debate on the Convention with Russia of June, 1801, in the House of Lords, 13 November, 1801. *Parliamentary History*, vol. xxxvi p. 262.

Europe had by then begun to arise in her midst. To that new something the European Cabinets turned with relief, with careful and intelligent attention, and with results which thenceforward were to become bitterly and increasingly apparent to the entire world. For this new something, unknown to Lord Nelson or to Mr. Pitt, was the close corporation of secretly-working officials known as the English Foreign Office.

Before the peace of 1815 there had been no such body of persons in England. While England was being built, and her name spread to the farthest corners of the globe, no such thing as a corporate body of Foreign Office officials had ever been heard of in this country. Only after the work had been done did this strange corporation appear. "I should say", said Mr. Edmund Hammond of the Foreign Office in evidence before a Committee in 1861, "that Diplomacy never became "recognized as a profession in this country, even in the "most limited sense of the word, until the Peace of 1815".[1]

Before that time, the Foreign Affairs of England had been managed on behalf of the King by a Secretary of State, without the assistance of any corporation of officials and without, in the beginning, any system of resident English ambassadors abroad. They were not allowed. Nor were permanently resident foreign ambassadors allowed in England. King Henry VII, says Lord Coke, "would not in all his time suffer "lieger [that is, resident] ambassadors of any foreign king "or prince within his realm; nor be with them".

In 1685, England had one solitary ambassador abroad, at Constantinople; and he, very properly, was "partly sup-"ported by the Turkey Company". At the Court of Versailles England had no ambassador but only an envoy; and in Spain, Sweden, and Denmark she had not even that.[2] And these envoys were used only as and when they were needed; for special missions and for them only. Since the time of King Henry VIII, moreover, the Secretary of State for Foreign Affairs had always been two separate men, of whom one was responsible for "Northern" affairs, and the other for dealings with

[1] *Report of the Committee on the Diplomatic Service*, 1861, p. 4.
[2] Evidence of Rt. Honble. Sir C. Wood on 2 May, 1850. *Report on Official Salaries*, 1850, p. 10.

"Southern" Powers; although the Secretaryship of State itself always remained one office. Under this system of a split and yet indivisible Secretary of State, assisted by a few specially chosen envoys for particular missions now and then, the building up of England proceeded quite successfully until the year 1782, when, with the appointment of Charles James Fox as the first single Secretary of State and the hiring of a small house in Whitehall and another in Cleveland Row for his accommodation, the modern English Foreign Office and its system began. For to these two hired houses there came clerks to assist in the business. And there have been clerks in the Foreign Office ever since.

The plan of thus creating for the conduct of Foreign Affairs a permanent body of clerks, though altogether new to England, had originated in France at the end of the fifteenth century, and had long been known and practised in Europe generally. King Louis XI of France was the first monarch to invent the system of sending resident ambassadors to the Courts of foreign Kings, and it was Francis I of France who first set up within his own dominions a Foreign Office proper. Through that Office the great diplomats of France, Richelieu, Mazarin, and their like, conducted with characteristic French ability the dealings of their country with foreign Powers. Against the constant machinations of this novel system, England at first had nothing to set save her own extremely direct and simple system, and the unofficial efforts of her own unaided people. Yet it was obvious to all the world that, in the years preceding 1815, it had been the international influence of England which had most notably increased and prospered rather than that of France or of any other State in Europe.

Nevertheless, when once a standing body of officials upon this foreign model had been set up in England it grew, as it has been said, like a gourd in the night; and it was not long after the peace of 1815 before it had come to be regarded, even in England herself, as part of the regular machinery of English government. By the English people, it is true, and by that English Parliament which then still freely represented them, the whole novel contrivance, and all the foreign paraphernalia of *chargés d'affaires, attachés, notes verbales,*

and *chancelleries* with which it instantly proceeded to surround itself, were still regarded with profound suspicion and dislike. It was felt, with that national instinct which seldom fails the English, that this new method of dealing with foreign States would require most careful watching, if it were not to grow into a grave and secret public danger; and, in 1850, Lord Palmerston himself appeared in a very apologetic mood before a Parliamentary Committee upon the subject. He assured the country, through this Committee, that the system should not be allowed to spread. "The embassies", said he [1], "are at present reduced to three, Paris, Vienna, "and Constantinople; but we are going to reduce the embassy "at Vienna to the rank of a mission. There will therefore "remain only two embassies"—to which were to be added ten missions, or twelve English diplomatic establishments abroad in all. To-day, in point of fact, there are no fewer than ten permanently resident English Ambassadors abroad, as well as some fifty Envoys-Extraordinary, Ministers-Plenipotentiary, Chargés d'Affaires and the rest; constituting with their staffs a large system of tentacles spread throughout the globe, with their centre in a solid core of officials in London.

This central core of officials is the English Foreign Office; and, in dealing both with foreign countries and with the people of England, it possesses two signal and startling advantages over all other departments of State. For, true to the essentially continental tradition in which it continuously lives and from which it originally sprang, it conducts all its proceedings in profound and perfect secrecy; and, secondly, though working thus always in the dark, it yet invariably represents its wishes and decrees, by an astonishing usurpation of the powers of the Royal Prerogative, as being those of the King of England himself. By a careful adherence to these two principles it contrives, as our forefathers saw it would contrive, to maintain in the very heart of England herself a mysterious and a persisting control, informed throughout by foreign influence, over the chief sources of her strength; and, while thus operating, is able to shield itself from all popular, or even parliamentary, attack by the admirable device

[1] *Report of the Committee on Official Salaries*, 1850, p. 46.

of opposing to the carefully-secured ignorance of its critics as to what it is actually doing, the technical responsibility of an unhappy Secretary of State.

To deal with a body of this sort was evidently a far easier business to the Powers of Europe, than to deal plainly and in daylight with the people and Parliament of England. To build up in the face of English competition a new maritime supremacy of their own was recognized by them all to be difficult if not impossible. But to negotiate in the dark with English Foreign Office representatives would probably not be difficult at all. To ask England openly and outright, as a matter affecting " the interest and the honour of the world ", to agree to alter to her own plain injury in war-time the Laws of War at Sea would have been, as all the world knew, to court again the answer already made to that request by every English statesman or Parliament who had ever until then considered it. But now there was at last in England a body through whom, if it were neatly handled, almost anything could probably be done. It was neatly handled. It always is. And, in the year 1856, without a single word having been breathed to Parliament or to the English people, the thing which Lord Nelson and Mr. Pitt would have died again to prevent had been completely accomplished by Europe through the direct agency of the English Foreign Office.

Exactly how it was done is, of course, not known and probably never will be known. That, as it has been said, is the whole strength of the Foreign Office position in such things. The course or origin of Foreign Office negotiations must never be disclosed. While they are proceeding it is too early to disclose them, and when they are concluded it is evidently too late.[1] Moreover, once concluded, the English people are bound by them in any case ; for all that the Foreign Office does is done by the King of England. Questions, therefore, of any kind are both impertinent and useless. But, from those

[1] " There is a convention between the different Foreign Offices that " communications between them are not to be made public without the " assent of both. It is easy in ordinary times for one of them, if " pressed by inconvenient inquiries at home, to contrive that the other " shall object and so avert disclosure." *How the War Came*, by Earl Loreburn. London, 1919, p. 315.

few impertinent questions which have so far been asked, it is abundantly clear that the whole surrender was not merely made, but carefully prepared beforehand, by the English Foreign Office. Whether, as many competent persons believe, the whole proposal, even up to the last moment was withheld from the knowledge of the Sovereign, the Privy Council, and even the Cabinet; or whether, as the late Lord Bertie suggested, it did come at the last moment suddenly before the Cabinet, it was certainly originated and matured in the depths of the Foreign Office, probably in close conjunction with the Foreign Office of France; and it was as certainly concealed completely from the people of England until it had been carried into effect.

The thing required to be done was simple. It was required to ensure that the enemies of England should be allowed in future to get their sea-trade safely in time of war. The simplest way to ensure this was to get England to agree to allow neutral countries to carry it to them in safety across the bows of the foolish English cruisers. That would settle the whole business. And it was to this plain and simple proposal, first openly made by France on 8 April, 1856, that England exactly eight days later purported solemnly to agree.

On 16 April, 1856, the signature of her Plenipotentiaries in Paris was affixed to the Declaration of Paris of that date, together with those of the diplomatic representatives of France, Austria, Prussia, Russia, Sardinia, and Turkey. The second article of that Declaration [1] provides in the plainest conceivable terms that "*the neutral flag covers enemy's merchandise with the exception of contraband of war.*"

That was the kernel of the whole matter. In eight days, and in a profound and highly diplomatic silence, the thing at last had been done. And, having been once done by agreement between Foreign Offices, no appeal was possible by the Fleet, the people, or the Parliament of England. It did not matter that in those eight days a principle firmly resisted by England as a thing of life and death, when proposed to her in 1654 by Holland, in 1752 by Prussia, in 1780 by the first Armed

[1] See Appendix A, for the entire Document.

Neutrality, and in 1800 by the second, had at last been quietly, surreptitiously, and inexplicably accepted on her behalf. It was vain even for the great Lord Salisbury, fifteen years later, to describe to the House of Lords the outrage that had been committed upon her, and to contrast before that assembly the strength of England as it had been before that injury, with that which now remained to her. Before the Declaration of Paris, said he, the English Fleet no doubt had been "a powerful instrument in hampering and ulti- "mately in subduing Napoleon. But why? We had then "the power of declaring a general blockade and of searching "neutral ships for enemies' goods. In your reckless Utopian- "ism you have flung those two weapons away, and your "fleet can only blockade the particular port to which it is "sent or bombard any fortress which may happen to be "on the coast. I believe that since the Declaration of Paris, "the fleet, valuable as it is for preventing an invasion of these "shores, is almost valueless for any other purpose".[1]

All these things mattered not. England was sunk in a profound and a profitable peace. War, many persons thought, had ended for ever with Napoleon. If war ever did again break out between important Powers, England, whose only permanent interest lay in peace and trade, would always be neutral; and, as a neutral under this strange new plan, would be able to profit largely by carrying to all her struggling friends the means of continuing their struggles. Moreover, the matter was now finally concluded; and though, in 1862, an English Foreign Secretary, Lord John Russell, was heard in the House of Lords to declare that in his personal opinion "the whole "matter is most unsatisfactory and has a most grave bearing "on our national supremacy"; and that "in point of principle "the declarations of the Treaty of Paris ought to be altered",[2] no one paid the least attention to him, and the subject was allowed to lie where the English Foreign Office had left it.

Yet even so, and great as had been the triumph thus achieved by military Europe over England, there were one or two respects in which the new situation was still not completely

[1] Hansard, 6 March, 1871, p. 1364.
[2] *Ibid.*, vol. 165, p. 1705.

satisfactory to the Powers of the land whose only weapon is Destruction. It was annoying, for instance, that the United States had firmly refused to sign the Declaration; for that prevented it from representing in any degree the common consent of all civilized nations. It represented nothing of the kind. It therefore would never be held by any Prize Tribunal to have altered or affected that Common Law of Nations which stands for ever behind all treaties, and, even more, behind such mere "joint declarations of present "intention" as this. It was annoying, also, that although England in any future war with a State which had adhered to the Declaration would have engaged beforehand to allow her enemy to be comforted continuously from the sea by neutral shipping, yet wicked England would still be able to invoke before Prize Tribunals the ancient law preventing that neutral shipping from carrying to her enemy actual "contra-"band of war".

Here was a sad defect in the new arrangement from the point of view of the Powers of the land; for contraband of war included precisely those articles which, if the supposed enemy of England could receive them safely, would directly assist him in his efforts to destroy her or her allies. And above all it was annoying that the practical administration of the Laws of War at Sea, and even the interpretation of the new document itself, would still remain, after the new Declaration as before it, in the hands of completely independent Tribunals administering without fear or favour the Law of Nations, and the provisions of any real and relevant treaties.

To render quite complete the destruction of warlike power at sea; to drive all future war once and for all into the horrors and bloodshed of the shore; and to rid the land for ever from all restraint by England upon the waters; something much more than this first hesitating step of the Declaration of Paris was required. The whole doctrine of "contraband" would have to go; the practical effects of a legally constituted "blockade" must be drastically and ruthlessly cut down; a new code of law, suitable to the new morality and humanitarian spirit of the great modern powers of Destruction,

must be drawn up; and, above all, the final voice in the administration of that new law as between England and any future enemy must rest no longer with any national Prize Tribunal, but with some new body of jurists, upon which the single representative of the forlorn strength of the sea would be properly and always surrounded by smiling judicial representatives of the triumphant strength of the land.

Such, as it is now perfectly well known, was the programme proposed by Europe for dealing with the hated power of England shortly before the outbreak of Armageddon. To propose it to England plainly and in the open, even after substantially a century of peace in that island, would, of course, have been extremely foolish. But anything, as it had been seen before, may be proposed with complete safety to the black darkness of the English Foreign Office; and to certain of the Powers of Europe this particular matter was rapidly becoming urgent.

On 3 April, 1906, therefore, exactly fifty years after the secret negotiation of the Declaration of Paris, the great enterprise was definitely put in hand. On that day, the Emperor of Russia addressed to no fewer than forty-seven separate States a formal invitation to attend a conference intended by him " to give a new development to the humani- " tarian principles which served for basis to the work of the " great International Meeting of 1899 ". The State of Panama declined this invitation. Honduras decided to send no delegate. Ethiopia, perhaps in consequence of transport difficulties, dropped out of the proceedings. But England had received an invitation too. It was addressed to the Foreign Office, and was there, of course, accepted with enthusiasm. Nor was there any doubt in that Office as to what the newly-summoned Conference was about to require of it.

Though called, for some inscrutable reason, a Peace Conference, it was in fact to concern itself exclusively with war, and above all with war at sea. War on land was shortly and easily dealt with. Peace was only mentioned furtively and in perorations. War at sea was always the real subject of discussion. And, as to war at sea, the view of the English

Foreign Office was as clear in 1906 as it had been in 1856, and still as perfectly in accord with that of all the great military Powers and, in particular, with that of Germany. Its view, then as always, was that the true strength of England, her power to act decisively from the sea against an enemy or enemies ashore by invoking the general Rule of Law, must be abolished. And not only so. The whole fabric and machinery of the existing law in these matters must, if possible, be abolished too. And, in order that these things might be plainly understood by their representatives at the Conference, which held its first sitting at The Hague on 15 June, 1907, the Foreign Office Instructions to them of 12 June, 1907, were drafted.

As to "contraband" it has been seen that England still retained, even under the proposals of the Declaration of Paris, the right to invoke before the Prize Tribunals that rule of law which had hitherto always allowed a belligerent, if he could do so, to prevent a neutral or a friendly ship from taking to his enemy by sea such goods as, in the opinion of the Tribunal and on the evidence of both sides before it, were calculated to assist that enemy directly in his conduct of the struggle. Now, if possible, the Foreign Office would wish to see England definitely deprived of that right, and her seamen forced to look on calmly in war-time at the continuous reinforcement of her enemy by neutral ships.

"His Majesty's Government recognize to the full the "desirability of freeing neutral commerce to the utmost "extent possible from interference by belligerent powers, "and they are ready and willing for their part, in lieu of "endeavouring to frame new and more satisfactory rules for "the prevention of contraband trade in the future, TO "ABANDON THE PRINCIPLE OF CONTRABAND OF WAR ALTO-"GETHER, thus allowing the over-sea trade in neutral vessels "between belligerents on the one hand and neutrals on the "other to continue during war without any restriction, "subject only to its exclusion by blockade from an enemy's "port." And in order that this neutral trade in warlike articles intended for the direct use of the enemy against England might flourish and extend in every possible way, the

Government " would be glad to see the right of search limited " in every practicable way, e.g. by the adoption of a system " of consular certificates declaring the absence of contraband " from the cargo, and by the exemption of passenger and " mail steamers upon defined routes, etc.". And if, as it hoped, " an arrangement can be made for the abolition of contraband, " H.M. Government would be willing for their part that it " should also extend to what are technically known as the " analogues of contraband, viz., the carriage of BELLIGERENT " DESPATCHES AND OF PERSONS IN THE NAVAL AND MILITARY " SERVICES OF A BELLIGERENT in cases where the rendering " of such services by the neutral was not of such a kind or " so great in extent as to identify the neutral vessel with " the belligerent forces, and bring her within the definition of " a warship, which H.M. Government are anxious to secure ". " The object ", in short, " which H.M. Government have in " view, as you are aware, is to limit, so far as may be possible, " the restrictions that war entails upon legitimate neutral " trade ". And so to force the Fleet of England, if possible, to look idly on while enemy despatches, troops, generals, stores, arms, provisions, and all conceivable military necessities were poured in to her enemy by neutral ships, to be used against her armies on shore, or those of her hard-pressed friends.

It is surprising that there should have been found in England men ready even to accept, much less to act upon, such Instructions. But there appears to have been no difficulty in finding them. Nor would even the complete abolition of contraband and a violent restriction of the right of search content the framers of these Instructions. The whole fabric of the Law and the whole machinery of its administration was, if possible, to be abolished, too. As to the machinery: " H.M. Govern- " ment are ANXIOUS TO SECURE the adaptation of the machinery " of the existing tribunal which was created by the Convention " [of 1899] to the purposes of AN INTERNATIONAL TRIBUNAL " OF APPEAL FROM THE DECISION OF BELLIGERENT PRIZE " COURTS AFFECTING NEUTRALS ".

The Law which this novel " international " tribune was to administer, could be attended to later. The essential

thing for the moment, the thing which all England was falsely represented as being "anxious to secure", was to establish a court of foreign judges to overlook the decisions of the English Prize Courts. In this way any shreds of right still remaining to the Fleets of England at sea in war would be kept in proper control by foreigners; the Rule of Law at Sea would rapidly be displaced by the Rule of Diplomats at Sea; and the importance of the Foreign Office in war-time would very notably increase.

When, therefore, at an early stage in the proceedings of the Conference, Baron Marschall von Bieberstein, the representative of the German Government, formally proposed to the assembled delegates the establishment of "an international "jurisdiction to discuss the legality of captures in maritime "war—a High Court of Justice sitting as a Court of Appeal "while the national tribunals would deliberate in the first "instance", the delegates of the English Foreign Office were delighted. Their leader, carrying out his orders in the spirit in which they had been issued, "declares that it is with great "satisfaction that he has heard the proposal of his German "colleague. The British delegation has received instructions "in a similar sense, and it is with pleasure that it will colla- "borate with the other delegations to enlarge the principle "of arbitration".

In these circumstances progress was swiftly made; a complete scheme for the new "international" Court was drawn up and signed by all the delegates on 18 October, 1907; and the more important part of the whole great design appeared, with the open connivance of the English Foreign Office, to have been safely accomplished. For, in the view of that Office, it was hardly conceivable that the people and Parliament of England should wish to make any observations with regard to it.

Here, however, the Foreign Office was found in fact to be mistaken. To issue instructions for surrender had been easy; and so long as those instructions remained entirely unsuspected by the people of England, delegates could be found to carry them out, and all would go well. But, this particular surrender was less simple to manage than that of 1856 in these two

respects: that each of the thirteen conventions in which the surrender was enshrined required ratification as well as the mere signature of a Foreign Office delegate; and, above all, that the vital convention, Number Twelve, purporting to set up the new "international" Prize Court, would gravely alter the law of England and the rights of British subjects; and so, since in England, "no royal power [even when assumed "to be exercised by the Foreign Office] can introduce new "law or suspend the execution of the old",[1] would require the passage of an approving Act of the English Parliament. A third difficulty, though of a minor kind, existed also. The proposed new court, it was felt, seeing that it was no longer to administer the established Law of Nations in matters of the sea, ought perhaps to be furnished with some other code of law to administer instead. This, however, was a matter as to which no difficulty was felt in the Foreign Office. On 28 February, 1908, that Office solemnly invited France, Germany, Spain, Italy, Russia, Austria, Holland, Japan, and the United States to meet itself in a new conference in London in order to settle what this new law should be.

On 26 February, 1909, the labours of this new conference were completed; a full and detailed surrender by England of her ancient belligerent rights at sea was drawn up and signed in due form by a Foreign Office agent; and the new code of sea-law thus achieved under the title of the Declaration of London,[2] was ordered by the Conference to be "de-"posited in the archives of the British Government". By these means was overcome the difficulty of formulating for the use of the new international Prize Court the precise principles by which it was in future to prevent England from exercising her power to make war upon her enemies at sea.

But, there still remained the difficulty of inducing Parliament and the English people to accept the new court at all. And that difficulty at last was seen to be insuperable. In vain was the celebrated Twelfth Convention of October 1907 held up before the eyes of the unbelieving English; in vain,

[1] *Blackstone's Commentaries.*
[2] For the full Documents, see Appendices B and C.

by the efforts of the Foreign Office, was the date for its final ratification extended from June 1909 to February 1911; in vain was it attached in the form of a schedule to an ancient Prize Bill, and presented, under the name of the Naval Prize Bill, 1910, to the consideration of Parliament. Already, so early as in September, 1907, when its terms had first been seen in England, the national view of its proposals had been boldly expressed in *The Times*. "This project", said that great journal, "is utterly inadmissible by this country. . . . It "is nothing less than the surrender into the hands of this "novel tribunal of rights and interests which the most "sagacious of our race have ever deemed essential to our "greatness and to our safety. . . . Within the limited scope of "its authority it [the Conference of 1907] has handed over, "as we have shown, some of our supreme interests to the "uncovenanted mercies of an alien tribunal. . . . We cannot "ratify it. We cannot give any foreigners *carte blanche* "to make laws for our fleet and to shorten at their discretion "our arm upon the seas".[1]

In December, 1911, the House of Lords rejected the Naval Prize Bill. All chance of England's participation in the proceedings of the proposed "international court" was thus destroyed. The code of law which it was to have administered in place of the Law of Nations remained, indeed, "in the "archives of the British Government"; but the court, the great new "international jurisdiction" as proposed by Germany, so far as England was concerned, had vanished. And so true is it that it had only been devised by all the Foreign Offices from the beginning in order to destroy the strength of England at sea that, as soon as England withdrew from it, it was instantly abandoned by every single one of its other inventors also. It has never met; and has never, from the instant of the English withdrawal from it, been so much as heard of again.

At the opening, therefore, of the year 1912, the situation of England with regard to her right at law to exercise her full warlike strength against her enemies upon the sea stood thus. She had, in 1856, declared to France, Austria, Prussia,

[1] *The Times*, 30 September, 1907.

Russia, Sardinia, and Turkey, so long as they themselves observed the same intention, her intention not to commission "privateers", and not to invoke as against any one of them in warfare her common law right of capturing their property found upon the seas in neutral ships, if that property should be found by a Prize Court, in all the circumstances of each case, not to be contraband of war. That, in 1912, and for what in law it might be worth, was the sole and single respect in which English seamen had then been debarred by the previous arrangements of their Foreign Office from claiming from Prize Tribunals the condemnation to their own Sovereign of the goods of their enemy found at sea. How far these stipulations would have been deemed by a Prize Court to bind its judgments, is a speculation of considerable legal interest which has never yet been fully tested and need not here be pursued. So far, however, as the Declaration of Paris did avail to bind the Judges of Prize Courts at all, so far it still availed in 1912 to bind them; and by so much England's warlike strength upon the sea was diminished. But that was all. The proposed attack upon the whole machinery of the Prize Courts themselves had ignominiously broken down. The proposed new laws of the Declaration of London, 1909, were buried in the archives of the British Government, and had no legal force or weight of any kind whatever. Behind all these things and over them all there still remained intact the great fabric of the Common Law of Nations; and, still intact, the full machinery of the Prize Courts for its enforcement. But, still intact also, as it was soon again to be perceived by all the world, there remained the officials of the English Foreign Office and their rejected but cherished invention the Declaration of London of 1909. It had only been drawn up just in time. The second test of the ancient power of England to restrain from the sea the violence of the shore was at hand.

## XII

## THE SECOND TEST

### I

THIRTY-TWO months after the rejection by the House of Lords of the Naval Prize Bill, there broke upon western civilization, out of an apparently cloudless summer sky, the greatest manifestation of military horror that the world has yet seen. In the fifty months following 4 August, 1914, more than 7,000,000 men were killed in Europe; twice that number were maimed or wounded; and the whole accumulated resources of the West were reduced to an almost complete exhaustion. This new war assumed from the first the full characteristics of all warfare upon the land. Destruction, upon both sides, was the immediate object throughout of all the military forces engaged; and their method, upon both sides, was that of physical violence. But, it soon became clear that this particular destruction, though resembling all its predecessors in those general respects, was yet in other essential particulars wholly different from any which had ever before visited the earth.

In the first place, the old distinction, always formerly sought to be maintained, between combatants and non-combatants was at once seen to have disappeared. It was a contest no longer merely of army against army, but of peoples against peoples; a contest in which every man, woman, and child in the contesting nations was to be directly called upon and directly involved. "What made "this war different from all others", says General Ludendorff in his *War Memories*, "was the manner in which the home

" populations supported and reinforced their armed forces " with all the resources at their disposal. The spheres of the " nation and of the armed forces were so intermingled that " it was impossible to separate them. The fighting efficiency " of the forces in face of the enemy depended absolutely upon " that of the people at home. The world witnessed the War " of Nations in the most literal sense of the word. Army " and people were one ".[1]

In the second place, and as a direct consequence of that combination, the military effort put forward upon the land was of a kind and upon a scale never before witnessed. The armies employed were numbered not, as they always formerly had been, in thousands or in hundreds of thousands, but in millions of men. England and France alone, during the four years of the war, mobilized and employed armies numbering over 12,000,000 men.

In the third place, within five months of the beginning of the struggle, the fighting of the land took on a form never before seen and impossible of realization with the smaller forces of former days ; the form now known to strategists as that of the Continuous Front. In this form of fighting upon the shore, the two contending hosts, after a brief preliminary period of manœuvres in the old sense, confront each other in two long and highly entrenched lines defended in front by barbed wire and supported behind by hitherto unheard-of forces of artillery and reserves. These lines have no flank which either line can turn or attempt to turn ; for their ends rest either upon the sea or upon definitely neutral territory, and so are impassable. In that situation, so long as it can be maintained, it is evident that the arts of strategy and manœuvre in the older or Napoleonic sense cease to have any material upon which to work. Only one form of manœuvre is any longer possible ; that of a direct attack upon carefully prepared positions. In such attacks accordingly, and in nothing else whatever, the war between the contending hosts upon the western front in Europe for four long years consisted ; and neither side, despite its utmost efforts, was

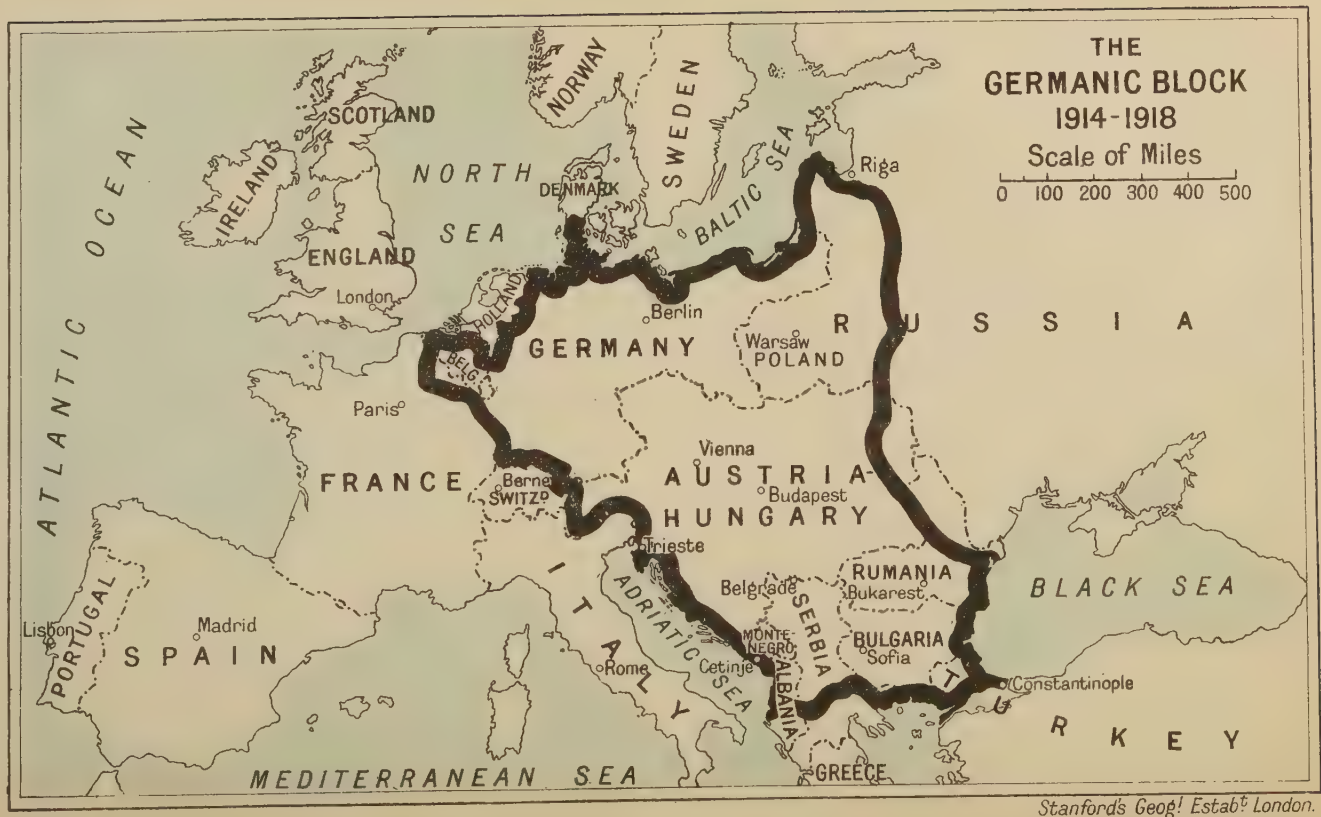
[1] *My War Memories*, 1914–1918, by General Ludendorff. London, Hutchinson & Co., vol. i, pp. 2 and 3.

able effectively to break or displace the continuous front, steadily re-formed behind every temporary breach, and so still and always presented to it by its enemy. The war, in these circumstances, became no longer, as former wars upon the land had always been, a matter capable of rapid decision by superior generalship, discipline, and manœuvring power. It became, instead, and to the end remained, a matter to be decided by endurance and resources alone.

For the Continuous Front, which many military writers regard—and apparently with good reason—as the inevitable formation to be expected of all the great land-struggles of the future,[1] has this characteristic; that it calls in an altogether unprecedented degree upon the final resources of those who employ it. A rapid decision, in the military sense, is no longer possible. The affair must be long. The front also must be long, and continuously fed throughout its length, and upon a titanic scale, not merely with men, living for years on end in holes in the ground under conditions of continuous slaughter, but also with a ceaseless stream of the whole complicated material apparatus of modern war.

The finding af these men and of this material will prove a deadly drain upon the resources of those " people at home ", upon whose power to supply these things the fighting efficiency of the forces in face of the enemy will, in General Ludendorff's words, absolutely depend; and this drain will obviously be felt increasingly as time goes on, as men disappear from land and factory into the furnace of the Continuous Front, as productive power lessens, as the strain tightens. Food both for the home population and for the armies must evidently be steadily secured and transported; and not only food. Every conceivable production of modern industry will be required; required in enormous masses; required unceasingly; and required merely to be at once destroyed. Guns, explosives, cotton, shells, chemicals, uniforms, boots, fodder, horses, grease, petrol, motor-cars, lorries: all must be produced from somewhere, and produced for the sole purpose of being destroyed, if the armies are to go on fighting. For armies,

[1] For an interesting discussion of this probability and of the phenomenon of the Continuous Front in general from the continental point of view, see *Plutarque a Menti*, by Jean de Pierrefeu. Paris, Grasset, 1923.




Stanford's Geog! Estab! London.

as General Ludendorff himself most truly says "can keep, "but cannot produce, what they need, and can only fight "with the moral, material, and physical means which their "country provides. They live upon the homeland, and from "it they draw their strength".[1]

In these circumstances, it is clear enough that a homeland, required for years on end to produce the strength used by an army under the sway of the system of the Continuous Front, will need all the strength it possesses, and all the productive assistance it can anywhere find, both within and beyond the limits of its own borders. It is clear enough also that if behind one of the two contending Fronts there can be placed, in inexhaustible and limitless plenty, the streams of trade and production of the whole world, while behind the other there lie nothing but its own diminished and necessarily diminishing resources, the issue of the contest, given a substantially equal power of physical endurance in the fighting men themselves, can hardly at last be in doubt.

The combined effect of these conditions, which are really but an intensification of conditions long familiar to students of war, had already become fully apparent in Europe, before England herself appeared there in those enormous numbers which modern warfare on the land appears peremptorily to require; and their general result may be seen from the accompanying map. It presents, though in a slightly less menacing form, precisely the spectacle presented by warlike Europe a little over a hundred years before. In both cases, a large block of land representing the greater part of Europe was attempting to obtain, by destructive action upon the land alone, the domination of the rest of that continent. Unlike the Napoleonic Block of 1812, however, the Germanic Block of 1914 had a free use throughout its proceedings both of the Baltic and of the Black Seas. And the practical question to be decided in 1914 was, whether this new Germanic Block, having a free use of both those seas but debarred from a free use of all other seas, could achieve, by a process of violence upon the land alone, the effective domination of Europe.

[1] *My War Memories*, 1914–1918, by General Ludendorff, vol. i, p. 3.

To the Continental Powers opposing this great Germanic effort one method of reply, and one only, was open: that, namely, of opposing to the destructive violence of their enemy another and, if possible, a more destructive violence of their own; and, in so far as England might choose to exert her strength upon the land, that same method of warfare was the only one open to her. There is upon the shore, as it has been seen, no other method of fighting. But what, in these circumstances, was to be the warlike action against Germany of England upon the sea?

That, for the whole world on both sides, was the pressing and crucial issue. Upon England's use of her decisive strength at sea all, in 1914, depended. Every Power on the Continent then knew and felt this to be so. That truth which during a century of European peace had become obscured, bemused, and overlaid by Foreign Office officials was now perceived again, under the immediate pressure of war, with blinding clearness by every Continental statesman or general upon both sides of the struggle. Upon the use by England of her strength at sea depended then, and still depends to-day, nothing less than the whole future peace of Europe and of the world. It is for that reason that the investigation which follows demands the serious consideration of those who value the peace and the future of England, of Europe, or of the world itself.

The actual and physical power of the Fleets of England to cut off from the armies and inhabitants of the German Block all supplies whatever from oversea was undoubted. Her Fleets still stood, as ever, in the sea-gate of Europe, by which alone Germany could hope for material assistance from the outside world; and no sea-borne traffic coming from oversea to Germany, or to any of her Scandinavian neighbours, could hope for a moment to evade their vigilance. But, the Scandinavian neighbours of Germany were not concerned in the war. They were neutral States, the professed friends of both sides, and merely bound accordingly to help neither side in its direct operations of war. The United States of America at the other side of the world was also neutral; and among neutral Powers themselves in war-time, it has been seen, a trade may quite lawfully flow. What then, apart from the physical power of

England over German sea-borne supplies, which was absolute, was her actual or legal power over them ?

The lawful right of England in this respect under the rule of the Common Law of Nations was simple. She had, under that immemorial rule, the right to confiscate to her own use, by the double machinery of her Fleet and her Prize Tribunals, any property brought in from sea by her seamen and found by the Prize Court to have been at the moment of its capture the property of a German. That right, it must be carefully remembered, was still in 1914, and is still to-day, the right according to the general and universal Law of Nations of every belligerent State at sea. It is founded upon the plain and simple doctrine that if, in war, the subjects of a belligerent State may lawfully take their enemy's life, they may also, and equally lawfully, take his goods.

But, in the year 1856, this plain and simple right had become overlaid. England had then appeared to agree with the representatives of six other States—of which Prussia and Austria were two—that she would not thenceforward in any war in which she herself was engaged exercise her lawful right to take the property of her enemies out of the ships of any neutral State, except upon one condition ; the condition that the property should be found by due process of law in the Prize Courts to be " contraband of war ". Her agreement to this novel proposition had not been made in the form of a Treaty, but in the form of the hitherto unratified signature of a single Foreign Office agent. The United States of America had consistently refused to agree to it. Whether, in these circumstances, the Declaration of Paris in which her agreement is expressed would be regarded by the Prize Tribunals of the world as having altered the Law of Nations, and therefore as finally binding their judgments, is a matter which, despite a dictum to that effect by the President of the English Prize Court on 16 September, 1914,[1] has never yet been finally determined. In the continued absence of the consent of the United States of America, it plainly lacks the common consent of civilized nations ; and it was in fact wholly rejected in practice by England on and after 11 March, 1915.

[1] *The Marie Glaeser*: Maritime Law Cases, vol. xii, N.S., p. 605.

But, whether binding or not upon the English Prize Courts in August 1914, and after, the effect of that Declaration must be carefully marked. It assumed to provide by its second Article that England was to allow every kind of merchandise to pass freely by sea from the outer world into any Germanic port, so long as that port was not lawfully and formally blockaded; so long as the property was carried to it in a neutral ship; and so long as the property itself was not "contraband of war".

To declare and maintain a lawful blockade of the Germanic ports in the Baltic was not possible to England so long as her warships remained excluded from that sea.[1] Unless, therefore, goods intended for the enemy were such as the English Prize Courts could properly hold to be "contraband of war", England would have no right to interfere with their direct carriage into Germany in any neutral ship.

Still less, of course, would England have any right to interfere with non-contraband goods proceeding in a neutral ship to some Scandinavian port; even though they were goods actually belonging to German subjects or the German Government. All non-contraband goods whatever must be allowed to go freely into Scandinavian or German ports throughout the struggle, so long as they went there in the ship of a neutral and so-called friendly State. That, stated in simple words, was the overlay or entanglement gratuitously and arbitrarily brought down upon the general Law of Sea-War by the English Foreign Office in the second article of the Declaration of Paris. It was an entanglement, as will be seen in a moment, of the gravest possible character.

But, despite that entanglement of the Law, despite the great complication of its practical administration, and even assuming that it would have been regarded by Prize Courts throughout as binding their judgments; yet, even so, there still remained to England some parts of that lawful right, without which the strength of her Fleets upon the sea could be of no practical avail against the military effort of the

[1] No lawful blockade of German ports was ever declared by England at any time during this war. A Ministry of Blockade, indeed, was instituted in 1916; but it was a Ministry without a blockade. The older, and more effective, English plan had been to have a blockade without a Ministry.

Germanic Block. Her strength at sea in 1914 consisted in her actual power and in her still-remaining lawful right to prevent the arrival in Germany, or even in the ports of Scandinavia for directly German use, of goods which a Prize Court would hold to be " contraband of war ". If goods were not " contraband ", then, although belonging to her enemies, and certain, when received by them, to increase their powers of offence against England, yet England must draw her cruisers aside and let this stream of help go safely into Germany across their bows. But if the goods were " contraband " in law, then the strength of England could still, even according to the second article of the unratified Declaration of Paris, invoke the Law to prevent their delivery to her foe.

For a clear understanding of what follows it is essential that the precise rights of England in this respect should be clearly grasped. It is essential also that the machinery for their enforcement should be understood. Her actual physical power at sea lay in her Fleets. But the right to use those Fleets against the true strength of her enemy was a right of Law. Her strength thus lay not only in the English Fleets ; but also in the English Prize Tribunals, of whom and of whose open and impartial law a Fleet must ever be the instrument and acting hand. It is in this combination of force and strict Law, of Fleets acting always upon the strength of their enemy through the reasoned decisions of impartial Courts, that the whole character of naval warfare consists. It is therefore not possible to realize the true strength of England in 1914 unless the precise working of the Courts in this connection be understood.

In order to make this vital matter clear beyond all doubt, a case actually heard before the English Prize Courts in 1915 will be selected almost at random. The quotations which follow are all taken from the judgment delivered by the President of that Court on 16 September, 1915, in the reported case of *The Kim.*[1] The events to which they refer occurred in October and November 1914, only about three months after the struggle with Germany had begun ; and these quotations, it is hoped, will suffice to show with what complete efficacy, upon what plain principles of Law, and

[1] *The Kim*, 1915 Probate, p. 215 *et seq.*

with what unanswerable and decisive force, the Prize Tribunals of England from the outset of the war were able to assert and enforce the lawful rights of England respecting the carriage of " contraband " goods into Germany through Scandinavia.

In the months of October and November, 1914, four neutral ships, three being Norwegian and one Swedish, started from New York laden with " very large cargoes of lard, hog and " meat products, oil stocks, wheat and other foodstuffs ; two " of them had cargoes of rubber, and one of hides ". These goods were all shipped by certain well-known American firms ; and were all ostensibly consigned by them to neutral persons or firms at Copenhagen. On the voyage to that port, however, the four ships were intercepted, in accordance with the characteristic process of war upon the sea, by an accursed English ship-of-war, were carefully preserved and tended by her, brought into an English port, and their cargoes claimed by the Crown as being contraband. The case was long, and was complicated by the unusually large number of different interests concerned ; but the following extracts from the actual judgment of the Court will show what the general situation then was in respect of Scandinavian contraband, and in what manner the Court dealt with the contention of the several American shippers that their goods in these ships should not, according to the Law of Nations, be held to be contraband goods at all. The judgment begins with a general review of the situation which led up to the despatch of the four ships with their cargoes from America to Copenhagen.

" Notwithstanding the state of war, there was no difficulty " in the way of neutral ships trading to German ports in the " North Sea, other than the perils which Germany herself " had created by the indiscriminate laying and scattering of " mines of all descriptions, unanchored and floating outside " territorial waters in the open sea in the way of the routes " of maritime trade, in defiance of international law and the " rules of conduct of naval warfare, and in flagrant violation " of The Hague Convention to which Germany was a party. " Apart from these dangers neutral vessels could, in the " exercise of their international right, have voyaged with

" their goods to and from Hamburg, Bremen, Emden, and " any other ports of the German Empire. There was no " blockade involving risk of confiscation of vessels running " or attempting to run it. Neutral vessels night have carried " conditional and absolute contraband into those ports, " acting again within their rights under international law, " subject only to the risk of capture by vigilant warships of " this country and its allies. But, the trade of neutrals—other " than the Scandinavian countries and Holland—with German " ports in the North Sea having been rendered so difficult " as to become to all intents impossible, it is not surprising " that a great part of it should be deflected to Scandinavian " ports from which access to the German ports in the Baltic " and to inland Germany by overland routes was available ; " and that this deflection resulted the facts universally known " strongly testify. The neutral trade concerned in the present " cases is that of the United States of America ; and the " transactions which have to be scrutinized arose from a " trading, either real and *bona fide*, or pretended and ostensible " only, with Denmark, in the course of which these vessels' " sea-voyages were made between New York and Copenhagen.

" Denmark is a country with a small population of less " than 3,000,000 ; and is, of course, as regards foodstuffs, " an exporting, and not an importing, country. Its situation, " however, renders it convenient for the transport of goods " from its territory to German ports and places like Ham- " burg, Altona, Lubeck, Stettin and Berlin."

Such being the situation of Scandinavia, and of Denmark in particular, in regard to the general setting of the drama, the judgment proceeds to certain considerations of a general but highly illuminating character as to the specific cargoes in question.

" The average annual quantity of lard imported into " Denmark during the three years 1911 to 1913 from all " sources was 1,459,000 pounds. The quantity of lard " consigned to Copenhagen on these four ships alone was " 19,252,000 pounds. Comparing these quantities, the " result is that these vessels were carrying towards Copen- " hagen within less than a month more than thirteen times

" the quantity of lard which had been imported annually " to Denmark for each of the three years before the war.

" To illustrate further the change effected by the war, " it was given in evidence that the imports of lard from the " United States of America to Scandinavia (or, more accurately " to parts of Europe other than the United Kingdom, France, " Belgium, Germany, the Netherlands, and Italy) during " the months of October and November, 1914, amounted to " 50,647,849 pounds as compared with 854,856 pounds for " the same months in 1913—showing an increase for the two " months of 49,792,993 pounds; or, in other words, the " imports during those two months in 1914 were nearly sixty " times those for the corresponding months of 1913.

" One more illustration may be given from statistics which " were given in evidence for one of the claimants . . . In " the five months August to December, 1913, the exports " of lard from the United States of America to Germany " were 68,664,975 pounds. During the same five months in " 1914 they had fallen to a merely nominal quantity, 23,800 " pounds. On the other hand, during those periods, similar " exports from the United States of America to Scandinavian " countries (including Malta and Gibraltar, which would " not materially affect the comparison) rose from 2,125,579 " pounds to 59,694,447 pounds. These facts give practical " certainty to the inference than an overwhelming proportion " (so overwhelming as to amount to almost the whole) of the " consignments of lard in the four vessels we are dealing with " was intended for, or would find its way into, Germany. " These, however, are general considerations; important " to bear in mind in their appropriate place, but not in any " sense conclusive upon the serious questions of consecutive " voyages, of hostile quality, and of hostile destination, which " are involved before it can be determined whether the goods " seized are confiscable as prize."

Every detail of the large number of separate parcels of goods involved was then carefully explained; after which the legal grounds for their final condemnation as good prize were approached.

" It is essential to appreciate that the foundation of the

" law of contraband, and the reason for the doctrine of " Continuous Voyage which has been grafted into it, is the " right of a belligerent to prevent certain goods from reaching " the country of the enemy for his military use. . . .

" I have no hesitation in pronouncing that, in my view, " the doctrine of Continuous Voyage or transportation, both " in relation to carriage by sea and to carriage over land, " had become part of the Law of Nations at the commence- " ment of the present war, in accordance with the principles " of recognized legal decisions, with the view of the great " body of modern jurists, and also with the practice of nations " in recent maritime warfare. The result is that the Court " is not restricted in its vision to the primary consignment " of the goods in these cases to the neutral port of Copenhagen ; " but is entitled, and bound, to take a more extended outlook " in order to ascertain whether this neutral destination was " merely ostensible and, if so, what the real ultimate destina- " tion was."

Taking, accordingly, the extended outlook thus entailed upon it by the Law of Nations, the Court arrived at last at the " clear conclusion from the facts proved and the reasonable " and, indeed, irresistible inferences from them, that the " cargoes claimed by the shippers as belonging to them at " the time of seizure were not on their way to Denmark " to be incorporated into the common stock of that country " by consumption or *bona fide* sale or otherwise ; but, on the " contrary, that they were on their way not only to German " territory but also to the German Government and their " forces for naval and military use as their real ultimate " destination " ; and the Court added to this finding the comment that " To hold the contrary would be to allow one's " eyes to be filled by the dust of theories and technicalities " and to be blinded to the realities of the case ".

Upon this openly stated ground, accompanied by all the reasoning upon which it had been reached, the greater part of the cargoes of these four ships was duly condemned by the Court as good prize, and made available for the use of the Crown and people of England in any way they pleased ; while the remaining few parcels, to which the foregoing grounds of

condemnation were held by the Court not to apply, were ordered either themselves " or the net proceeds thereof, " if sold, to be released to their respective claimants ".

Such, then, at the outbreak of the war of 1914, was the lawful power of England to restrain the supply to the new Germanic Block of " contraband " supplies from oversea, even when those supplies were ostensibly going only from some such friendly country as America into some other friendly country of Scandinavia. It was a power of enormous military strength as it stood. It had merely to be exercised steadily by the Fleet and the Courts together to reduce to negligible dimensions the supplies of Germany from neutrals oversea.

It was not, indeed, comparable with the power possessed by England against the Napoleonic Block, of taking all her enemy's goods at sea in whatever ship they might be found. That power, if England had possessed it in 1914, would have enabled her Fleet and Courts to hold up German oversea supplies completely. But that right had perhaps been removed from her Courts by the unratified signature of her Foreign Office. Yet, even so, her rights over contraband will still be seen to have been great. For, in considering, even under the new and doubtfully binding dispensation of the Declaration of Paris, whether goods proceeding by sea to Germany or Scandinavia were " contraband " or not, the Prize Court before whom they were brought would adopt what is known in law as the doctrine of Continuous Voyage ; according to which " the Court is not restricted in its vision " to the primary consignment of the goods, in these cases " to the neutral port of Copenhagen ; but is entitled, and " bound, to take a more extended outlook in order to ascertain " whether this neutral destination was merely ostensible, " and, if so, what the real ultimate destination was ".

Thus, contraband goods arriving from oversea really for ultimate delivery to the German Block according to the intention of the person controlling the destination,[1] would not be saved from lawful seizure by England merely because they appeared from the neutral ship's papers to be going first to a Scandinavian port. And, as to what goods were " contra-

[1] *The Louisiana*, 1 February, 1918. 1918 A.C., 461.

band " that would depend on all the circumstances of each particular case. Goods which would plainly be contraband at one time and place, might often be quite useless to the Germanic offensive and thus plainly non-contraband, at another time and place. In justice, therefore, to neutral merchants themselves, that matter must always be for a Prize Court to decide. " Goods which are conditional contraband can " be properly condemned whenever the Court is of opinion, " under all the circumstances brought to its knowledge, that " they were probably intended to be applied for warlike " purposes. . . . All the known facts have to be taken into " account ".[1]

The rapid identification of armies and people in the German Block of 1914, however, rendered almost all classes of goods really intended for Germany, whether by direct entry into her ports or by way of a preliminary Scandinavian port, open to the charge of being " probably intended " to be applied for warlike purposes " ; since, as it was said by the Court in regard to a cargo of salted herrings seized on its way from Norway to Germany, " Even if the military or " naval forces of Germany are never supplied with salted " herrings, their rations of bread or meat may well be " increased by reason of the possibility of supplying salted " herrings to the civil population ".[2]

Over contraband goods, then, in this very extensive sense, the Law of Nations still, in August 1914, gave to England a complete, unanswerable, and lawful power. She could still, by the use of her Fleet and a simple invocation by the Crown of the Law of Nations in each case of seizure at sea, prevent such goods from reaching Germany even in the holds of neutral ships.

But this was by no means all. Contraband goods and neutral suppliers of them from oversea were not, unhappily, the only sources of German supply which had to be considered. England herself, and the various Dominions of her Empire, were also teeming with supplies of every sort for which Germany, if she could get them, would pay almost any money ; and,

[1] Judgment of the Judicial Committee of the Privy Council in *The Hakan*, 16 October, 1917. 1918 A.C., 151.

[2] *Ibid.*

although direct trading with the enemy was unlawful, English and English colonial merchants could make enormous profits by sending such supplies in large quantities into the ports of their Scandinavian friends, who then, in turn, would make enormous profits by forwarding them, or their own products released by them, straight across the German-held waters of the Baltic, or straight across their own frontiers in the case of Holland and Denmark, into Germany itself.

In this way, English and colonial merchants, though ostensibly only trading lawfully with Norway, Sweden, Holland, or Denmark, would really be directly assisting their own most formidable foe. And over this tremendous source of German supply England evidently possessed an absolute control, apart from the Law of Nations altogether. For evidently, if she chose, she could prevent her own English merchants from sending into any of those countries any goods she chose to name, or even any goods at all. In this way Scandinavia, the sole shop in Europe still open to the buyers of the German Block, would have at least no more to sell to the German Government than she normally had in peace-time, and perhaps considerably less. England, France, and their friends would thus, from the first moment of the war, enjoy throughout the struggle an open access to the whole resources of the earth. The resources of the German Block would be their own and those of an unaided and even somewhat depleted Scandinavia. In a contest depending directly upon total relative resource this difference must be, as it finally was, decisive.

Plainly, then, if the conduct of the English strength at sea were left to its normal and appointed guardians, the English Fleets at sea and the Prize Tribunals on shore, that lawful and unanswerable strength, though greatly diminished from what it had been in the day of Napoleon, was nevertheless still amply sufficient to bring the whole effort of Germany to an early and disastrous conclusion. "If we don't get to "Paris in thirty days, we are beaten", said the German Ambassador[1] at Constantinople in August 1914. In this

[1] Count Wangenheim to Mr. Morgenthau. *Secrets of the Bosphorus*, by H. Morgenthau, United States Ambassador at Constantinople p. 115.

he was right. The German offensive did not get to Paris within thirty days, and it was at last worn down and destroyed. But, a reliance by England from the first upon the full lawful processes of war at sea must so have exhausted the resources of the Germanic effort as to force it to a conclusion, and to end the whole military struggle, not within four and a quarter years but within six or eight months. Astonishing and even incredible as this statement may seem, its truth was proved indisputably by the actual course of events.

What then was it which, during the whole course of those four desperate years from 1914 till 1918, interfered with and effectively stopped the operation against the Germanic military effort of the full and lawful processes of English war at sea? The answer is simple. Those processes from first to last were checked, tripped up, manipulated, and prevented from working by a deliberate and considered removal of the whole essential conduct of the war at sea, from the Fleets and Prize Tribunals of England to the Executive Government, acting through the English Foreign Office.

This removal of control from the Courts to the Executive was sought to be effected in two ways. By a long-continued series of Orders-in-Council, issued from the Foreign Office to the world in the name of the King of England, direct orders were to be given to the Judges of the Prize Tribunals as to the principles upon which their judgments in prize should proceed. That method, except in so far as those Orders availed to lessen the rights of the Crown as against its enemies, was found to be unworkable; for, in the considered language of the Privy Council in a case [1] upon the subject which will be further mentioned, "The idea that the King in Council, or indeed "any branch of the Executive, has power to prescribe or "alter the Law to be administered by Courts of Law in this "country is not in harmony with the principles of our consti-"tution". The Courts, in short, being Courts of Law and not instruments of the Executive, refused to be satisfactorily bound by any such device.

Another expedient, therefore, was found. The Courts of Prize, except in those occasional cases where their judgments might be useful to the plans of the Executive, were cut out

[1] *The Zamora*, 7 April, 1916. 1916, 2, A.C., p. 90.

altogether from the actual conduct of the war and were replaced, within the walls of the English Foreign Office itself, by a small, secretly-working, and wholly unjudicial Committee ; and it was by that Committee administering Foreign Office opinions, and not by the Prize Tribunals administering International Law, that the effective strength of England at sea was thenceforward wielded.

The supersession of Courts of Justice by mere executive power for the discharge of essentially judicial functions is always indefensible. It is indefensible even in peace, and even for the determination of the lawful rights and duties of the subjects of a single Government. For the handling of the chief warlike strength of the world in time of war, and for the determination of questions affecting the rights and duties of the subjects of all the principal trading nations of the earth, such a supersession is more than indefensible. It will be seen, in actual fact, to have produced by far the greatest and most bitter tragedy that civilization has yet known.

## II

The handling against the Germanic Block of the English strength at sea in the Foreign Office, from the outbreak of war in August, 1914, till the autumn of the year 1917, was characterized throughout by two great principles ; each being a principle of fear. The first and chief fear by which it was informed was a fear of the United States of America ; and the second was fear of the Law. By these two fears, during three years of steady destruction on the shore, the determining strength of England was governed.

With regard to America, the fear thus entertained was two-fold. It was feared that if, by the normal processes of the English Fleet and the English Prize Tribunals, American merchants were really prevented from carrying contraband commodities into Germany or into Scandinavian ports for German use, the United States Government and people might join with the Germanic Block in making war upon England ; and, alternatively, it was feared that if, by that same process, American traders were prevented from trading with Germany, they would in the end refuse to trade with

France and England also. By what precise means it would in any case have been possible for the United States of America to render active belligerent assistance to the Germanic Block in Europe, so long as an undefeated English Fleet remained in being, is a metaphysical speculation which certainly need not here be pursued ; nor is it easier to understand upon what ground an American merchant, temporarily debarred by due process of law from entry into one important European market, should on that account desire to deprive himself also of every other.

Having regard, indeed, not only to what actually happened in the end, but to the whole course of the published correspondence between the English and American Governments in these connections, it is overwhelmingly clear that the attitude taken by America throughout was informed by that very strict respect for the Laws of War at Sea which has always characterized her statesmen ; and that both these fears were therefore groundless.

The attitude actually taken by the Government of the United States throughout was one of the strictest legality. So long as the trade of her merchants with Germany or with the neutral world was interfered with only by due process of Law and by the reasoned judgments of Prize Tribunals administering that Law, no complaint was uttered by America and no possibility of serious dispute with her would have existed. The only way in which quiet and normal relations between England and America could be strained, would be if England should attempt to deal with American merchants otherwise than by the strict machinery of the Law, and should endeavour by an arbitrary exercise of executive force alone, to impose upon them strange, illegal, and novel disabilities. Then indeed America might well protest ; and from such protests, based, as they would be, upon an appeal to Law against mere arbitrary Force, difficulty and danger to the good relations between the two countries would certainly arise. That such difficulty and danger did so arise, and for the reasons just stated, will be shown in a moment.

For it is incontestable, as a matter of mere historical fact, that from the first moment of this great struggle with Germany

until the summer of 1917, the sea-strength of England was handled, not by Courts administering the Law, but by one single Department of the English Government attempting to administer to the world its own constantly changing fancies. For reasons still carefully concealed from the world, but not difficult to divine by those familiar with the minds of all Government Departments, the English Foreign Office had resolved that, if they could so contrive it, the sea-strength of England should be managed in future, not according to that Law of Nations of which that strength is the instrument, but according to new and wholly unauthorized theories of their own.

Their view was that, during this war, it should be by them as representing the Crown, and not by Courts administering the Law, that legal principles binding upon neutral States should be formulated; that it should be for them, and not for Prize Tribunals, to decide by long and perfectly arbitrary declarations what goods were and what were not to be regarded by neutrals as contraband; and, above all, that it should be for them, and not for the Courts, to settle what cargoes were or were not to be allowed to proceed to their intended destination by sea in neutral ships. And, in order to proclaim this view at once clearly and to all the world, and to mark at once the character of the control they proposed in future to assume over these matters, an Order-in-Council was issued on 20 August, 1914, sixteen days after the declaration of war, declaring to the world in the name of His Majesty, "That "during the present hostilities the Convention known as the "Declaration of London shall, subject to the following addi-"tions and modifications, be adopted and put in force by His "Majesty's Government as if the same had been ratified by "His Majesty" and declaring also, in order that the English Prize Tribunals might thoroughly recognize their new masters, "that the general report of the Drafting Committee shall be "considered by all Prize Courts as an authoritative statement "of the meaning and intention of the said Declaration".

This "general report" was a written commentary upon the work of the framers of the Declaration of London 1909 drawn up by a certain Monsieur Renault; whose views thus,

so far as the Foreign Office could contrive it, acquired the force of International Law. Not for nothing, evidently, had the foreign framers of the Declaration of London ordered it to be "deposited in the archives of the British Government". The Treasury, the Admiralty in its orders to the King's ships, and even the Prize Courts themselves, were all now apparently to be bound by it, and by the views upon it of the said Monsieur Renault.

There then followed, as was plainly inevitable under this method of managing a war upon the sea, a long succession of similar orders, counter-orders, proclamations, notes, counter-notes, despatches, and counter-despatches: all arising in the Foreign Office, and all intended to defend against all comers and greatly to develop the novel theory of war-management to which it had thus chosen to commit itself. It would be both afflicting and humiliating to describe all these in detail; and it will suffice here to say that they all proceeded upon the extraordinary assumption that it was open to the Foreign Office of England to make and alter at its discretion from day to day as the fight proceeded, the rules, and even the principles of Law, by which that fight was to be waged; and by which, therefore, the Prize Tribunals of the world were to be governed. Contradictions, violent and entirely arbitrary changes of rule, serious difficulties with neutral Powers, and contentions often of the most extreme absurdity resulted.

Before the end of 1914, for instance, on the assumption that it was for the Foreign Office alone to decide in what a contraband cargo consists, no fewer than five separate and entirely arbitrary lists of goods, which it suggested should always be so considered, were drawn up in that Department and flourished, as though they represented the laws of civilized man, before friendly nations and the Prize Courts of England alike. Each list destroyed the others; no man could tell when a sixth might arrive; and no trader, above all, could tell beforehand what view the Prize Court might take of any one of them.

In real truth not one of these arbitrary lists, nor one of the endless series of Orders-in-Council thus assuming to curtail the lawful rights of neutral traders, had any legal effect at all unless, in fact, it should be found by a Court to have waived in

their favour the belligerent rights of England. "The Declara-
"tion of London," said the Judicial Committee of the Privy Council when hearing an Appeal from the English Prize Court on 16 October, 1917, "has no validity as an international
"agreement. It was, it is true, provided by the Order-in-
"Council of October 29, 1914, that during the present hos-
"tilities its provisions should, with certain very material
"modifications, be adopted and put in force. But the Prize
"Courts cannot, in deciding questions between His Majesty's
"Government and neutrals, act upon this Order except
"in so far as the Declaration of London, as modified by
"the Order, either embodies the International Law or contains
"a waiver in favour of neutrals of the strict rights of the
"Crown. It is necessary, therefore, to consider the Inter-
"national Law with regard to the condemnation of a ship
"for carrying contraband apart from the Declaration of
"London".[1]

The English Executive, in short, acting through the Foreign Office, was able by Order-in-Council to waive as against neutral traders the belligerent rights of their country; but was never able by any such Order to increase them. If any such Order assumed to extend as against neutrals the strictly lawful belligerent rights of the Crown, the Prize Court could not act upon the Order.

It is probable that practical difficulties of this sort, in the way of the smooth working of the new system, were very soon perceived by those concerned to maintain it. So long, in fact, as the Prize Courts remained the sole and final authority capable of deciding questions arising between neutral traders and His Majesty's Government in sea-affairs, so long would those questions continue to be decided according to the settled rules of International Law, and not according to the very different and constantly changing rules devised from day to day by the English Foreign Office. Unless, therefore, the immemorial jurisdiction of the Prize Courts could somehow be displaced, and replaced by some other jurisdiction under direct Foreign Office control, the new system might at any moment completely break down. In that case, the Fleets of England would be free again to exert their strength

[1] *The Hakan.* 1918 A.C., p. 152.

under the Rule of Law instead of under the Rule of the Foreign Office; and the whole importance of that office as conductors and negotiators of war would completely disappear. Again, therefore, in the profoundest secrecy, and without a single word having been said upon the subject either to the Parliament or to the people of England, a new and hitherto unheard-of jurisdiction for this important purpose was set up within the walls of the Foreign Office itself.

It consisted, not of course, in any form of open Court, but in a strange and suddenly-invented Committee of persons nominated for the purpose by the officials concerned. It was a body in every way suited to the functions for which it was designed. It acted, deliberated, and decided in secret. It was in continuous touch with Foreign Office opinion. It was bound by no Law, custom, precedent, treaty, rules of evidence, rules of procedure, or legal restraint. The names of its members were not known, and are not fully known to this day. With commendable modesty, it has as yet published no report of its proceedings, nor given any reason to the public for any one of its decisions. Yet, in close conjunction with the officials of the Foreign Office, it maintained upon the seas, against the rule of the Law of Nations, the rule of that Department; and it was used by that Department to ensure the prompt execution of its wishes in cases in which the Prize Courts of England could not be trusted to carry them out.

It will be seen at once that this device, despite its novelty, had very great merits from a purely departmental point of view. So long as the case of every ship and cargo, sent in to an English port by the unwearying activity of the English seamen, had to be submitted to, and decided by, the Prize Courts, the warlike functions of the Foreign Office were of the slenderest possible description; consisting, indeed, merely in the occasional issue of another Order-in-Council, or one more derisory list of so-called "contraband" which, unless it lessened the power of their country, the Prize Courts would disregard. But now, in cases where this result seemed probable, the Crown could be advised not to appear in the matter before the Prize Court at all; and, instead, to remit its decision to the

newly-invented Committee. In this way, all difficulties could always be avoided—at least in the vast majority of cases; and the whole handling of the effective war at sea would lie, not with the Law of Nations, but with one department of the Government of one of the belligerents concerned. Where, for instance, there was no evidence against a ship or her cargo upon which the Prize Court could be expected properly to decree her condemnation as lawful prize, the new Committee, bound by no such "judicial niceties", could and often did order her, or her cargo, or both, to be "detained" during their pleasure, and usually on the strict understanding that all, or part of them, should be returned to their owners at the end of the war. The ships and goods thus in fact "detained" were very numerous indeed; and the complete unlawfulness of their treatment in this respect may be judged from the significant fact that "at no period in the history "of the [Prize] Court is a decree of Detention to be found: "a captured ship or cargo was either released or con- "fiscated".[1] The contrast here shown between the two systems is plain.

Nor was it only in thus unlawfully restricting neutral trade that the Committee would be useful. In permitting to go safely forward to their destination cargoes which the Fleet and the Prize Courts together would certainly have confiscated to the Crown, the Committee had before them an even more important field of enterprise. For, by investing the orders and licences of this Committee with the authority of the Crown itself, any particular ship or cargo could be passed safely through the English cruisers to any extent desired; and the extent to which this specially devised method of assisting the German Block was used, in order, as it was presumably supposed, to obtain some advantage, commercial or other, in return, will be gathered from the figures of the vast supplies continually reaching Germany by sea during the entire continuance of this extraordinary system.

That the whole system was unlawful from beginning to end, was made clear to the world, on 7 April, 1916, by the con-

[1] *A History of the English Prize Courts*, by E. S. Roscoe. London, 1924, p. 79.

sidered judgment of the Judicial Committee of the Privy Council in the case of the Swedish ship *Zamora*. There is in an Executive Government in war-time no power, such as the Foreign Office had repeatedly claimed, to give orders to Prize Tribunals, either by the issue of Orders-in-Council or otherwise. "If the Court is to decide judicially in accordance "with what it conceives to be the Law of Nations, it cannot, "even in doubtful cases, take its directions from the Crown, "which is a party to the proceedings. It must itself determine "what the Law is according to the best of its ability; and its "view, with whatever hesitation it be arrived at, must prevail "over any executive order. Only in this way can it fulfil its "function as a Prize Court and justify the confidence which "other nations have hitherto placed in its decisions".[1]

Still less is there in such Executive Governments a lawful power to evade, by new and vaguely constituted departmental Committees, the whole function of the Prize Courts in administering the Laws of War at Sea as between their seamen and neutral traders. "According to International Law every "belligerent Power must appoint and submit to the jurisdiction "of a Prize Court to which any person aggrieved had access "and which administered International as opposed to Muni-"cipal Law."

Yet no such judgments as these, laying down again in unanswerable language the ancient principles upon which the true warlike strength of England must ever depend, availed to change the course already determined upon for its practical administration. From the beginning of the war until its end, the Committee in question remained in being; and, under the general direction of a so-called Ministry of Blockade, constituted for the purpose within the Foreign Office itself, that Committee continued to the last to handle in secret, and upon principles of its own, the entire strength of England upon the seas.

Two consequences ensued. The German Block, to its intense surprise, was enabled, by the resolute lawlessness of the English Government, to continue indefinitely the vast destructive effort in Europe upon which it had embarked. And a serious dispute arose between England and the United States.

[1] *The Zamora*. 1916, 2. A.C., p. 97.

## III

The cause of the English dispute with the United States of America, which lasted from the first setting up of this strange system till their own entry into the war in April, 1917, appears with great clearness from such of the correspondence between the two Governments as has so far been allowed to be officially published.[1] The United States, from first to last, refused to recognize as applicable to her trade and traders by sea the extraordinary and constantly changing orders and pretensions of the English Foreign Office. So early as on 22 October, 1914 she had made her position in that respect quite clear to the English Government. "This "Government", she wrote on that date, "will insist that the "rights and duties of the United States and its citizens "in the present war be defined by the existing rules of Inter- "national Law and the Treaties of the United States, irre- "spective of the provisions of the Declaration of London."[2]

From that entirely impregnable position the United States Government never departed. It was re-stated again and again; and, by reason of the new system to which the English Government had become committed, it could never be satisfactorily answered by any English Minister. After the issue, for instance, by the English Government, on 11 March, 1915, of what has come to be known as their "Reprisals" Order-in-Council, America thus reaffirmed her position. She would submit, she said, to no such arbitrary infringement of her trading rights as that Order appeared to contemplate, but only to "the hitherto established principles and rules governing "neutral trade in time of war, without modification or "limitation of Orders-in-Council or other municipal legislation "by the Government of Great Britain"; and, going further into the true roots of the matter in the same communication, she declared bluntly and plainly before the whole world that she "cannot recognize the validity of proceedings taken in "His Majesty's Prize Court under restraints imposed by the

[1] See Command Papers 7816 of 1923; 8145, 8225, 8234, 8233, and 8353 of 1916. Price 1s. 5d. in all.

[2] Cd. 8233 of 1916, p. 4.

" municipal law of Great Britain in derogation of the rights " of American citizens ".[1] In this declaration of principle she was plainly right ; since, as it was declared only nine months later by the Judicial Committee of the Privy Council sitting in Prize, a Prize Court subjected in the exercise of its judicial functions to any restraint of municipal law, even that of an Act of Parliament itself, would, even if the Act were merely declaratory of the Law of Nations, be thereby materially weakened in its authority as an interpreter of that Law, while if the Act contained provisions inconsistent with the Law of Nations, " the Prize Court in giving effect to such " provisions would no longer be administering International " Law " and so " would, in the field covered by such pro- " visions, be deprived of its proper function as a Prize Court ".[2]

And as to Orders-in-Council such as those of which the United States here complained : " a Court which administers " International Law must ascertain and give effect to a law " which is not laid down by any particular State, but originates " in the practice and usage long observed by civilized nations in " their relations towards each other or in express international agreement. . . . If an Order-in-Council were binding on " the Prize Court such Court might be compelled to act " contrary to the express terms of the commission from " which it derived its jurisdiction ".[3]

Right, therefore, though America unquestionably was, in thus refusing beforehand to recognize the validity of proceedings taken against her subjects in any English Prize Court fettered in either of these ways, her fears in this respect were groundless, because no English Prize Court ever consented in fact to submit to such restraints. Nor, so far as it is yet known, was any decision of an English Prize Court affecting American trading interests ever questioned by the United States Government throughout the whole course of the war.

It was not of any proceedings in the Prize Courts of England that America in truth at any time complained ; but of the treatment accorded to her merchants by the novel and

[1] Note dated 16 July, 1915. Cd. 8233 of 1916, p. 10.
[2] *The Zamora*. 7 April, 1916. 1916. 2, A.C., p. 93.
[3] *Ibid.*, p. 92

unauthoritative Foreign Office Committee already referred to. And as to that her complaints were bitter. American ships and cargoes, she complained, had constantly under this strange and unlawful dispensation been detained in British ports "for prolonged periods, in some instances for more than "a month, and then released, *without the institution of Prize "Court proceedings*. . . . Vessels carrying oil from the "United States to long-established markets in Scandinavian "countries have repeatedly been detained *without being sent "to the Prize Court for adjudication*. . . . Vessels have been "held until they have re-consigned their cargoes to a con-"signee in a neutral country designated by the British Govern-"ment. . . . Detentions have been made without evidence "amounting to probable cause", and so forth; and a list of over 270 ships dealt with in this way in the thirteen weeks ending on 17 June, 1915, was attached to this particular complaint.[1]

It was true that by far the greater number of them had been at last allowed to proceed safely into Scandinavia with their anxiously-awaited cargoes of cotton, foodstuffs, mineral oils, and other valuable supplies. Neither Germany, therefore, nor Scandinavia had much cause to complain on their account. But the complaint of America in regard to them was just. They had been interfered with by England upon the seas in war-time in a manner wholly unauthorized by that Law of Nations to which alone the United States would defer. They and their cargoes alike had been made subject, not to the rule of any known Law, but to the administrative violence of a single belligerent Executive.

To antagonize in this way the small and weak neutral Powers of Scandinavia was one thing. To deal upon such principles with the ships and cargoes of the great Republic of the West, to whom England herself must largely look for oversea refreshment during the course of a long war, was quite another; and, by the spring of 1916, the position caused by the attitude of America had become seriously disturbing to the diplomatic mind. Laborious answers to her continuous complaints poured in a steady stream from the intellectual well-springs of the English Foreign Office. Already, during the first three

[1] Dated 10 September, 1915. Cd. 8234 of 1916, p. 11 *et seq.*

months of the struggle, that Office, in the exercise of its power to abandon by temporary Orders-in-Council on behalf of the English Crown any or all of its lawful belligerent rights, had agreed, solely in deference to American complaints, to a waiver by England of the doctrine of Continuous Voyage except in three expressly reserved cases.[1] Already every form of assurance had been given that though the system of dealing with neutral trade in war by means of a Foreign Office Committee was no doubt " to a certain extent a new introduction ", it was nevertheless " a departure wholly to the advantage " of neutrals . . . and made for the purpose of relieving " them so far as possible from loss and inconvenience ".[2]

Already America had been assured in every key of the good intentions and fundamental legality of the new plan. All such assurances were vain in face of the plain facts of the situation now firmly set forth again and again in the reasoned Notes of the United States Government. One answer, and one alone, would ease the growing strain between the two countries: the answer, namely, that England for the future would abandon her novel claim to govern war at sea by administrative decree, and would submit its conduct once again to the Prize Courts and the Law. But this answer was never made.

Nor indeed, probably, in 1916, would even that answer, complete and conclusive though it would have been, have availed to allay the whole and well-founded suspicions of America. For the real truth was, as America had good reason to know, that under this new system of which America had so long complained, England herself was engaging largely in that very trade with the Scandinavian suppliers of her enemy from which she was thus arbitrarily discouraging American merchants. A question in regard to cocoa alone had revealed to the United States Ambassador in London, so early as in July, 1915, that English merchants had, during the whole course of the war until then, been regularly sending into Scandinavia gigantic quantities of various kinds of cocoa vastly in excess of anything ever received by Scandinavia

[1] Order-in-Council dated 29 October, 1914. See as to this important surrender of lawful right the judgment of the Privy Council in *The Louisiana*, 1 February, 1918. 1918 A.C., p. 470.

[2] Despatch dated 10 February, 1915. Cd. 7816 of 1923, p. 11.

from England before; and, on 23 July, 1915, a telegraphic message was received in London from the English Ambassador in America reporting that the United States Government "draws serious attention to increases in export from United "Kingdom to Northern European ports since the war, which "have formed the subject of unfavourable reports from the "United States Consul-General in London. Germans here "are said to make use of these facts to create ill-feeling by "circulating allegations that England is preventing American "oversea trade with neutral countries in Europe with a view "to capture this trade for herself, and that we are ourselves "exporting the very goods which we have seized from "Americans".

The answer to this on behalf of the English Government was not, as might perhaps have been expected, that this class of war-trade by Englishmen would in future be stopped by the same sort of administrative act as those directed by the Foreign Office against America. It consisted, instead, merely in the astoundingly cynical remark that from thus supplying the new and greatly increased demands of Scandinavia consequent upon the closing of the German ports "the mercantile community of the United States has "made profits proportionately equal to or greater than "those of the mercantile community of Great Britain".[2]

As to cocoa, upon which the whole subject had first arisen, the exports to Scandinavia from the United States were stated in this official English reply to have risen from 12,300 pounds weight in the first five months of 1914, to 16,016,000 pounds weight in the same months of 1915, an increase of 16,000,000 pounds; while the corresponding increase in the supplies received from England was no less than 11,500,000 pounds weight. "These figures", said the English Foreign Office, "speak for themselves". They do.

The quarrel, or, more accurately, the coolness engendered between England and the United States at this singularly unfortunate moment was thus, it will be seen, entirely the creation of England herself. Its sole cause lay in the just and firmly-held objection of the United States Government to the whole novel system of war-control set up, in defiance

[1] Cd. 8233 of 1916, p. 11. [2] Cd. 8233 of 1916, p. 20.

of the Law of Nations, by the English Foreign Office, and to the chief abuse which naturally flowed from it. That system strained very seriously the good relations between the two countries. It weakened, and was evidently bound to weaken, the good name and reputation of England among all the other States affected by it. If it had availed in any degree to strengthen the hands of England in destroying the oversea resources of her enemy it might have been defensible, though it would still certainly have been mistaken. But its effect throughout was consistently to maintain those resources.

The strength of England at last is an open and a lawful strength and can only be lessened by every departure from openness and law. The whole system failed at last, as it will be seen. It was destroyed by its own authors. It perished as it had arisen, in ignominious secrecy. But it did not perish before it had achieved the almost impossible task of dividing at a perilous juncture the English and American peoples; and on that account alone it must for ever remain as appalling an instance of political and administrative incompetence as the world has yet seen.

## IV

The first effect, then, of the new system of war-direction adopted by England in 1914 had been to breed between herself and the most powerful of her neutral friends a coolness nearly amounting at last to a quarrel; and this at a moment when good relations between the English and American peoples were especially to be desired. That difference, though never capable of becoming mortal, was nevertheless manifestly serious; since to add quarrels with neutral States to the labours of the main struggle with Germany herself, must plainly increase the anxieties of the general situation. Quarrels and coolnesses with neutrals, however, are sometimes unavoidable during the course of a maritime war, even when that war is conducted most strictly according to the rules of Law; and the mere fact that such quarrels and coolnesses arose, is not ground enough alone upon which to condemn any system of management. To men, moreover, suddenly placed in charge

of issues such as those which faced England in 1914, much may be allowed and more may be forgiven ; and if it were possible to plead on their behalf that their resolute supersession of Sea Law, and the consequent risk of serious quarrels with neutrals, were both imperiously necessary from the first in order to enable England to act decisively upon the seas against the warlike supplies of a lawless and a determined foe, such a defence, though far from justifying that supersession, would at least to that extent explain it. No such defence or explanation, however, is possible. For, as must now be shown, that very same supersession of Law which, from 1914 to 1917, was arousing the just and serious resentment of America, was also and at the same time directly enabling the Germanic Block to continue its violence in Europe.

To supersede the Law of Nations by executive decree is to strike at the very basis of England's maritime strength. It can never in any circumstances be justifiable. To quarrel with powerful neutral States as well as with one's actual enemies is plainly to add to the anxieties of any military situation, though this may sometimes be inevitable. But to supersede the Law, to quarrel upon that sole account with powerful neutrals, and by thus fomenting quarrels with neutrals to assist and support the offensive of the enemy: that, it may be said with confidence, is a scheme of management for which no defence can be found. Sometimes in warfare it may become necessary to antagonize one's friends. But to antagonize one's friends merely in order to assist one's enemy is to adopt a method of direction hitherto unknown; and is plainly to combine in one single system every defect to which any such system can be open.

It has already been said that the decisive character of the peculiar strength of England was as thoroughly well understood on the continent of Europe in 1914, as it had been in the simpler Europe of a century before. No human being upon that continent before the close of 1914, had supposed for a moment that England was about to abandon completely her lawful strength upon the seas, and to embark millions of the flower of her people instead in year-long battles upon the continent. Her distinctive strength was everywhere recognized to be naval ; and, as such, it was everywhere regarded as

decisive. So true is this that by France, in July of that year, it was apparently supposed that a mere intimation by England of her intention to side with France and Russia against the coming violence of Germany would suffice to deter Germany from that violence altogether. "Things", wrote the English Ambassador in Paris on 30 July, 1914, "are hanging in "the balance of peace and war. We are regarded as the "deciding factor. . . . The feeling here is that peace between "the Powers depends on England; that if she declare herself "*solidaire* with France and Russia there will be no war, for "Germany will not face the danger to her of her supplies, "by sea, being cut off by the British Fleet".[1]

In Russia the same view precisely was also firmly held. The Russian Foreign Minister was quite clear about it. Germany, he said to the English Ambassador at St. Petersburg, on 25 July, 1914, was unfortunately convinced that she could count upon English neutrality; "but her attitude was "decided by that of England. If the English took their "stand firmly with France and Russia, there would be no "war. If we failed them now, rivers of blood would flow, "and we would in the end be dragged into war".[2]

And Germany herself was under no illusion whatever as to the true character of the English strength at that time. Possessing within her own restricted borders only sufficient resources for a short and sharp campaign, she well knew what it would mean to her to have to combat over a necessarily prolonged period the full and fully-used naval strength of the ancient "Corsair of the North"—shackled and bound to some extent though that lawful strength might now be. In any struggle by Germany against even that shackled strength, it would be necessary for Germany, as the celebrated General Bernhardi had written in 1912, "to take further steps to secure the importa-"tion from abroad of supplies necessary to us; since our "communications will be completely cut off by the English".[3]

Nor, in August, 1914, was any effort spared by the German

[1] *The Diary of Lord Bertie of Thame*, 1914–1918, vol. i, pp. 4–5 See also British White Book, No. 99.

[2] British White Book No. 17.

[3] *Germany and the Next War*, by General Bernhardi.

diplomats to avoid that dire contingency. On 1 August, 1914, the German Ambassador in London anxiously begged the English Foreign Minister to say whether England would remain neutral in the coming struggle if Belgium were not invaded. But the English Foreign Minister declined to say. The German Ambassador then asked him upon what terms at all England would consent to remain neutral. Again the English Foreign Minister declined to say. And it was in the presence of a Europe actually in arms, but with these two questions still unanswered, that Germany on the next day at 7 p.m. made her first warlike demand upon Belgium.

"We know for a certainty," said President Wilson in America four and a half years later, on 5 March, 1919, "that "if Germany had thought for a moment that Great Britain "would go in with France or Russia, she would never have "undertaken the enterprise"

Among all the professedly neutral peoples also the same view was held. In Norway and Sweden, as well as in Holland and Denmark, according to so expert and distinguished an observer as Rear-Admiral Consett, who had served as English Naval Attaché in Scandinavia for two years before the war as well as throughout the whole course of the war itself, "it was the universal belief that, should "England become involved in a European war, Scandinavia "would have to be prepared to make sacrifices. That all "supplies from England would be cut off was not expected; "but it was felt certain that the bare requirements of domestic "consumption would in no case be exceeded. . . . If the "name of England was not uttered with bated breath, it "was mentioned [in 1914] with real respect".[1] But this respect for the strength of England, thus shared by the small Powers of Scandinavia with every other Power in Europe, was respect for her strength at sea. For, it must here be repeated, the idea of an English intervention upon the continent in those armies numbered by millions which modern land-war requires had not, before the year 1914, so much as crossed the European mind.[2]

[1] *The Triumph of Unarmed Forces*, by Rear-Admiral M. W. P. Consett, C.M.G. London, 1923. Preface, p. xv.

[2] Still less, of course, had it then crossed the mind of England. No

Nor, after the struggle had actually begun, was there any doubt anywhere in Europe as to the nature of the strength which England, if she would, could at any moment bring to bear upon its issue. Everywhere, except only in England herself, the true nature of her power was understood. Everywhere it was known and plainly seen to lie upon the waters, and to consist in the ability of her Fleets and Courts to strangle there, if they were allowed in fact to do so, that constant military and civilian supply through Scandinavia upon which alone the Germanic Block could rely. And everywhere, accordingly, in friend and foe alike, incredulous amazement followed the course of naval action which England, under the guidance of the Foreign Office, chose instead to pursue. What that course was in general has already been told. Its effect upon a friendly America has been made plain from the official documents. But the language of the Foreign Office must now again be used to describe its effect upon those other figures of the tragedy, the Scandinavian neutrals and the enemy himself.

The part played throughout the years 1914 to 1917 by the Scandinavian neutrals, but especially by Sweden, Holland, and Denmark, is now well known and can be denied by no one. The facts and figures of a very large portion of their oversea trade during that period have now, through the firm determination of Rear-Admiral Consett, been published to the world. Those facts and figures show a conception of neutrality, connived at by, and indeed only made practicable by the steady connivance of, the English Foreign Office, which is altogether new in the history of civilized war. The traders of those countries had originally expected, as it has been seen, that England, exerting from the first her full lawful strength upon the seas in support of the hard-pressed forces of France on shore, might perhaps have allowed them to import the bare necessities of their own domestic consumption, even though some portion of those bare necessities would probably directly or indirectly find their way at last into the eager and

preparations for the raising or maintenance of an English Army upon a continental scale had then been either begun or suggested by any English statesman.

wealthy hands of their German neighbours. They had expected to have to make at least the sacrifices ordinarily entailed by Law upon the trade of every neutral State by all great wars. They had expected to suffer not, indeed, in life and by the loss of millions of their sons, but at least in trade and in economic strength; and when, therefore, the news of the fateful 4 August was flashed upon the world, the merchants and peoples of Scandinavia looked alone to England for their lives.

The teeming trade of the outer world appeared to be in her hands; she held the seas by which alone they lived; the German Block, close beside and behind them, would of course be cut off from all oversea supply by England. Their position, between the millstone of the German forces on land and that of the English strength at sea, seemed desperate indeed. From Germany no help could come to them; from England but little could reasonably be expected. Denmark, under immediate German pressure, laid her mines and blocks firmly across the waters of the Great Belt, this securing to Germany for the whole course of the war the waters of the Baltic Sea; and, this done (so far as is known without even a diplomatic resistance from England) she waited with the rest. Fate seemed about to strike the Scandinavians hard.

But, slowly and steadily as the first few weeks of war moved on, this gloomy prospect changed. England, for some unimaginable reason, was not apparently using her dreaded strength at all. The North Sea, that forecourt of European oversea trade, so far from becoming a seething cauldron of endless battles (as some appear to have expected) or a silent desert feeding only England, preserved instead its wonted peace-time aspect of brisk and busy trade. One change alone there was. German merchant-ships no longer sailed there. Outside the narrow waters of the Baltic the German flag no longer flew at sea. If Germany, therefore, now required the succour of the trading world, she must rely upon the ships of her many neutral friends to bring it. She had nowhere else to look. To neutral ships, therefore, and, above all, to Scandinavian ports, the whole trade of Germany, if England allowed it, would now have perforce to be transferred. That trade, if England allowed it, would yield to Scandinavia

profits of which her merchants had never before dreamed; and as the pressure and scarcity of war increased within the German Block, those profits and benefits would multiply beyond all measure. For men, it has been seen, even in peace, must trade if they are to live; and, in the deadly destruction of modern land-war, supplies from all the world are essential, and must be secured at any price whatever if the destruction is to continue.

A new and golden prospect thus slowly opened before the astonished eyes of Dutch, Danish, Swedish, and Norwegian merchants. If, for reasons which no man among them all could understand, the decisive lawful strength of the Fleets and Courts of England was really to be laid aside; if goods which, like the American food-stuffs in the Norwegian ship *Kim*, the Law of Nations would confiscate to England were really to be allowed to pour into their ports, by licence of the English Foreign Office, from all parts of the earth, from neutral North and South America, from all the English Dominions, and even in vast quantities from England herself: then, it was evident that the traders and peoples of Scandinavia had nothing to fear from this war. On the contrary, the longer it could be made to last the more money they would all make; and neutrality for these countries would cease to have any terrors. The prospect seemed almost too rosy to be true. Yet true it was to be.

Denmark and Holland throughout the war were Germany's principal and essential sea-supplied larders; Sweden her sea-supplied workshop. All three depended absolutely for the maintenance of their activities in these respects upon oversea supplies. The agriculture of Denmark and of Holland could not be maintained for six months without unceasing supplies of oversea food-stuffs for their pigs and cattle, and of fertilisers for their land. The industries of Sweden depended absolutely upon steady supplies of coal; for there is no natural coal in Scandinavia. Fertilisers, food-stuffs, and coal were thus all essential to Scandinavia if her new and rosy prospects were to be realized. All three must come to her by sea. All poured in. Even British steam-coal, won at high war-time pressure by the toiling miners of Great Britain, was lavished

freely upon Scandinavian work-shops and railways; and, what was more important, upon fleets of steamers engaged in bringing goods to Scandinavia from all parts of the world. Without the bunker-coal of England, neither fertilisers and cattle-food for Denmark and Holland, nor coal for Sweden could continue to reach these countries. Yet bunker-coal was steadily supplied. Without English coal, the steady transport of iron ore from Sweden into Germany, all to be converted there into weapons of destruction, could hardly have been maintained at all.

Yet it was not until the very end of 1915 that any attempt was made by England to limit the sending even of her own coal to Sweden; and in 1916 over 1,500,000 metric tons of English coal were still arriving in Sweden from England for Sweden's use. In this way, during twenty-eight months of desperate war, the strength, goods, and labour of England were laid at the disposal of her foes. Nor was this all or nearly all. Cotton, copper, petroleum, rubber, lubricants and the like: all the requirements of the German hosts unobtainable by them in anything like sufficient quantities except from oversea, were poured in an unceasing stream into Scandinavian ports, under the licences of an English Foreign Office Committee. Cotton, indeed, an invaluable ingredient of German explosives, was sent to Scandinavia by England alone during the year 1915 in quantities over five times as great as in the year before the war; and, of the whole vastly increased Scandinavian import of this purely oversea commodity in that year, over one-half was officially returned as having been sent on directly into Germany.

Such were the first effects of that strange method of sea-war under which the Law had come to be superseded by Foreign Office Control. England herself, directly as well as indirectly, was joining heartily in the general neutral effort to support by oversea trading the violence of the German Block; and the Foreign Office, it has been seen, under whose licences alone this system could be continued, regarded the English action in that matter with complete complacency. If neutral merchants made vast fortunes out of German needs, why should not English merchants do so too? And yet the true meaning

and effect of that trade was well known to that Office, and can hardly be better described than in its own calm language of 24 April, 1916.

"It is", wrote the English Foreign Minister upon that day in a Memorandum to the United States Government,[1] "a matter of common knowledge that large quantities "of supplies have since the war broke out passed to our "enemy through neutral ports. . . . It would be mere "affectation to regard some of those ports as offering facilities "only for the commerce of the neutral country in which they "are situated. They have, in fact, been the main avenues "through which supplies have reached the enemy from all "parts of the world . . . The circumstances of a large number "of these shipments negative any conclusion that they "are *bona fide* shipments for the importing countries. Many "of them are made to persons who are apparently nominees "of enemy agents, and who never figured before as importers "of such articles. Consignments of meat products are "addressed to lightermen and dock labourers. Several "thousands of tons of such goods have been found documented "for a neutral port and addressed to firms which do not exist "there. Large consignments of similar goods were addressed "to a baker, to the keeper of a small private hotel, or to a "maker of musical instruments. . . . As an instance, the "imports of lard into Sweden during the year 1915 may be "taken. In that year the total import of lard into Sweden "from all sources was 9,318 tons, of which no less than 9,029 "tons came from the United States. In the three years before "the war, 1911–1913, the annual average import of the same "article was only 888, of which 638 tons came from the United "States. It is difficult to believe that the requirements of "Sweden in respect of lard, even when every allowance is "made for possible diversions of trade due to the war, could "suddenly have increased more than tenfold in 1915. The "inference, indeed, is irresistible that the greater part of "these imports must have had another and an enemy des-"tination."

It is. And there is another inference from these facts which is also irresistible; namely, that if the ships containing these vast imports of American lard for Scandinavia

[1] Cd. 8234 of 1916, p. 24.

in 1915, had been left as the *Kim* and her three consorts had been left in the previous year, to the lawful handling of the Fleets and Prize Tribunals of England, their cargoes would never have landed in Scandinavia at all, but would have been added instead to the general resources of England and her allies.

In 1916, however, the rule of the Foreign Office Committee was not yet over; and, for English soldiers then in the trenches of France, the day of deliverance was still far off. The "humanitarian principles" of the Declaration of London 1909; the Foreign Office desire of 1907 to "recognize to the "full the desirability of freeing neutral commerce to the "utmost extent possible from interference by belligerent "Powers"; the attempt, even, if possible "to abandon the "principle of contraband of war altogether", were now being reduced into grim and bitter practice.

Their true effects at last were beginning to be seen. And those effects were seen with especial clearness, in blood, in misery, and in growing ruin, upon the long held Fronts of the land. No longer now was Germany confined merely to her own resources, or to the short and sharp campaign on which she had at first set out. Fed and nourished, clothed and armed as she now was by continuous supplies from oversea made available to her through Scandinavia, by means of English coal, largely by English merchants, and all under the protection of Foreign Office licences issued secretly, in contempt of Courts, and without regard to Law, Germany was now able to affront, and did in fact for years affront, a prolonged struggle with the whole world. True it was that, in the main, it was the native produce of Scandinavia that actually reached Germany. But, as Rear-Admiral Consett says with obvious truth,[1] "it "was the supplies from oversea, whether British or British-"controlled, that either released Scandinavian supplies or "made it possible for them to be produced. Thus, it was "the Danish agricultural produce, the fish and the fats, "that reached Germany. But it was the fodder and fertilisers, "the fishing gear and the petroleum and the oil-seeds from "oversea that enabled those commodities to be obtained".

As to which, it should here be carefully observed that, if the

[1] *The Triumph of Unarmed Forces*, p. 274.

raw materials of war-time industry were thus to be allowed by England to enter the Germanic sphere of influence at all, it would have been in every way better for England and her armies that they should have been allowed to enter Germany herself, rather than that they should have been allowed, as they were, to enter only Scandinavia. For the process of working up these materials into the countless finished products required by the Germanic naval and military offensives would then at least have made heavy calls upon German man-power; and, to that extent, would have reduced the number of men available to her for the actual business of destruction. In fact, however, as the figures show, the copper, tin, oil, and cotton received by Scandinavia went straight from there into Germany in large quantities; while the fodder and fertilisers remained in Scandinavian countries to be used in the direct production of food for Germany. The sea, in fact, now as ever, but now far more directly and insistently than ever, was still controlling the military violence of the land. But now the sea, for the first time in her history, was aiding the enemies of England.

The effect of this course of procedure upon the practical military strength of Germany is evident, and need only be very shortly described. She was enabled by it, and by it alone, to prolong the short and triumphant military effort upon which she originally believed herself to have embarked, into a resistance extending over four and a quarter years. During the whole of the years 1914, 1915, and 1916 the great road of the sea did not fail her. By that road, in 1915 and 1916, she was steadily able, as the unquestionable figures show, to accumulate within her own borders for the use of her fighting fronts by sea and land such quantities of actual oversea commodities as enabled her definitely to replenish even the enormous wastage of her own destructive operations.

During that period, she was able, by the active assistance of Denmark, not merely to close the waters of the Baltic to the English Fleet but, at the same time, to deplete Denmark of agricultural produce for her own use. During that time, she was supplied by England and the English Dominions alone through Denmark with such quantities of the oils, fats, and

tallows required for the chemical manufacture of her explosives, that Herr von Batock, the German Food Dictator, on 9 May, 1917, was able to inform the Reichstag with truth, that " Our reserves in fat, regarding which we mostly depend on " imports, will last for a long time ".

Butter, bacon and eggs, meat, horses, and cattle were all made available to Germany during those years, by the continued import into Holland and Denmark of the steadily-arriving cargoes of fertilisers and feeding-stuffs upon which their production in those countries throughout depended. The maize and oil-cake alone brought from oversea to one single Danish port[1] in June, July, and August of 1916 was 19,616 tons in excess of the quarterly average for the three years before the war; and " so huge were the accumulated " stocks in Danish ports that it was common to see whole " cargoes, which had been discharged on the vacant spaces " near the docks, protected from the weather by waterproofs " lent by the Danish State Railway for the purpose ".[2]

In the Swedish port of Malmö, in 1915, so great was the congestion of bales of oversea cotton, brought there, more than half of them, for direct export to Germany, that even the wharves of that town could not contain them and they lay piled up for distances along the astonished streets. And from the mines and factories of Sweden, produced by Swedish instead of by German labour, and largely hauled to the Swedish coast and thence transported across the Baltic by English coal, there came to Germany throughout this period that vast supply of iron ore, munitions of all sorts, timber, machinery, electric motors, steel, steel-wire, metals, and the like, whose weight in those three years and after was to be felt with such effect upon the French and English military fronts.

In these circumstances it is evident that, apart altogether from the causes of that fact, the fact was that the German Block during the whole of the years 1914, 1915 and 1916 was enabled, very largely through the direct mercantile assistance of England at sea, to supply herself with sufficient oversea commodities of every sort even to replace the vast wastage of men and materials caused to

[1] Aarhus, on the Cattegat.
[2] *The Triumph of Unarmed Forces*, p. 176.

her by her military efforts. The sea, in fact, which, under the ancient rule of the English Fleets and the Law of Nations together, would have been substantially closed throughout to her Government and traders, was now, under the licences of a Foreign Office Committee, made steadily available to her. No one looking impartially at the official figures in these matters, published in detail by Rear-Admiral Consett in the work above referred to, can doubt for a moment that, but for this continuous oversea assistance, the front stretching from Switzerland to the North Sea set up by Germany at the end of 1914 must rapidly have become untenable; and untenable, not necessarily through the military pressure of France, but from sheer lack of the actual food and warlike material daily needed for its maintenance.

And, if any doubts be still felt upon this point, they must be finally dispelled by the evidence now available from Germany herself. "The importance in war of Coal, Iron and "Food was known before this war; but how absolutely "decisive they would become was only demonstrated to all "the world as hostilities proceeded", says no less an authority than General Ludendorff. "We reckoned with certainty "on unlimited imports through Holland. . . . Left entirely "to herself, without any outside help, Germany could not "exist, as is proved by the great distress in the winter of "1918–1919." And, finally, "A three years' war was only "possible because we had in Germany abundant coal, and "so much iron and food that, *together with what we could* "*obtain from occupied territory and neutral countries*, we "could, by practising the most rigid economy, manage to "exist in spite of the hostile blockade".

The admissions here are clear. With the iron and food (and, it may be added, with immense categories of other commodities also) obtained by Germany by English assistance during the first three years of her attempt, it was just possible for her, by practising the most rigid economy, to "manage to exist". What then, would have been her situation in 1915 without those supplies? A nation unable even to manage to exist, cannot maintain, either in constant replenishment or at all, the mighty masses of the armies of to-day. It was her oversea supplies, and those alone, which thus by her own

authoritative admission enabled Germany in the spring and summer of 1915 to prolong for over three more years her deadly effort of destruction.

Nor, long before the spring of 1915, was this plain truth unknown to Germany's foes. In France, as well as in Germany herself, it was thoroughly appreciated from the first. "I "have had a most interesting conversation",[1] writes the English Ambassador in Paris on 16 October, 1914, "with the "official military Economist Adviser of the War Office here. "He says that manufacturing life is going on much as usual "in Germany; that there is food enough in the country, "and in Austria-Hungary, to last seven months [that is to "say, till just before the harvest of 1915]; that, as we allow "much material and food-stuffs to reach Germany through "neutral States, there will be no means but military occu- "pation to bring the war to an end; and that such means "will be difficult, if not impossible, of execution, for the "possession of Antwerp and practically of the whole of "Belgium will enable Germany to use Holland (whether "willing or not) to supply herself more easily than hitherto. "He says that we ought to declare a blockade of Germany, "to encircle her, as Napoleon had tried to establish against "us a continental blockade but failed; whereas we, by our "sea board, ought to succeed. The importations of all things "into Norway, Sweden, Denmark and Holland have very "greatly increased; also their exports to Germany—horses, "iron, nickel, copper, petroleum, oil, food-stuffs, etc."

Thus, in the hard-pressed France of October, 1914, the memory of her own unavailing effort of a century before to resist with all the forces of the shore the giant pressure of England upon the sea, had swung full circle into an appeal to England now to use that same pressure against the enemies of France. But the appeal, as General Ludendorff testifies, was vain. The English Ambassador considered it, and four days later thus confides to his diary the conclusion to which he personally had come. "What hampers us dreadfully", he wrote, "is that foolish Declaration of London which the House of "Lords wisely rejected and the Government unwisely adopted

[1] *The Diary of Lord Bertie of Thame, 1914–1918*, vol. i, p. 52.

" in part for this present war. It prevents us from controlling " the importation, through neutral States, to Germany of " articles which will enable her to continue the struggle " much longer than if there were no such Declaration ; and " it may have very serious results for us."

But here, it has been seen, the distinguished Ambassador was wrong. The Declaration of London, though deposited in 1909 in the archives of the English Government, and ordered by the English Foreign Office to be acted on by the Prize Tribunals, had yet " no validity as an international " agreement " [1]; and it was in the considered view of Prize Courts and Foreign Office alike " an instrument which has no " binding force whatever ".[2]

The trouble lay deeper than that, and deeper than the English Ambassador in Paris supposed. It lay in the deliberate supersession of Law by the officials of the English Foreign Office in order that, at whatever cost to England and to the world, their own arbitrary opinions on these matters should be made to prevail.

Against so violent a confusion as the dislocation of Law by Executive Decree, the Fleets and Armies of England for three long years contended in vain. In vain did her watchful cruisers, spread from land to land across the European forecourt, intercept in all weathers and with ceaseless care the endless lines of incoming cargoes. In vain were the ships of all the world stopped, questioned, turned back, examined, and shepherded gently into English ports. Without reference to the Prize Court, without Law or rule of war, the enormous trade with Germany went on. " The fate of a detained " ship ", says Admiral Jellicoe, " was decided in London *on* " *receipt of the report of examination.* As was perhaps natural, " the sentences on many ships' cargoes pronounced in London " were not accepted without question from the Fleet, and a " good deal of correspondence passed with reference to " individual ships. We, in the Fleet, were naturally very " critical of any suspicion of laxity in passing, into neutral

[1] *The Hakan*, 16 October, 1917. 1918, A.C., p. 148.

[2] The Minister of Blockade in the House of Commons, Hansard, 9 March, 1916, p. 1797.

" countries bordering on Germany, articles which we " suspected might find their way into Germany; and " constant criticisms were forwarded by me, first to the " Admiralty, and, later, to the Ministry of Blockade, when " that Ministry was established. The difficulties with which " the Foreign Office was faced in regard to neutral sus- " ceptibilities were naturally not so apparent in the Fleet " as to the authorities in London ".[1] But the criticisms of Lord Jellicoe were of little, if any, avail. The trade with Germany went on. And the authority which sent it on was not the Law of Nations. It was always the mere licence of a Foreign Office Committee.

Yet, even so, the strain laid upon Germany from the sea was well-nigh insupportable from the first. Her war-time import, great though it was, would yet not have sufficed to maintain her in a time of peace. How, then, could it hope to maintain her through the dreadful days of war? In the autumn of 1914, according to the official information of the French War Office, she and Austria, it has been seen, had food enough " to last seven months ". Her difficulty in this respect was tided over beyond her harvest of 1915, by the constant assistance of Sweden, Holland, and Denmark; whose agriculture, supported by the ships and coal of England, reached at once an altogether unprecedented height of production and prosperity. And the assistance thus given by England to that agriculture in 1914 and 1915, enabled it, in 1916, to continue its supply to Germany. So vast, indeed, was this supply that it caused shortage of agricultural produce even in the Scandinavian countries themselves. Thus " the " Danish population suffered hardships, not from our blockade, " but because the Danish farmers sold to Germany; and " the Danish Government was powerless even to retain " sufficient supplies in the country for domestic consumption. " Cows in calf were sent to Germany for slaughter until " the Government prohibited this traffic. Three hundred " butchers' shops were closed down in Copenhagen alone ".[2]

[1] *The Grand Fleet, 1914–1916*, by Admiral Viscount Jellicoe of Scapa, 1919, p.76.

[2] *The Triumph of Unarmed Forces*, p. 140.

Yet, even so, the supply was not enough. If any country in Europe wishes to embark to-day upon military wars in their modern sense, she must have behind her, not merely the extra resources of such limited areas as Scandinavia, but those of the whole world; and this great truth the pride of Germany and of the whole Central European Block was now slowly but most bitterly to perceive. Upon General Ludendorff, more directly perhaps than upon any other single individual of that time, fell the task of conducting in practice the military effort of the Germanic Block. It is impossible to read the account which he himself has given of that task without observing that it was at least as much economic as military; and, among the countless economic troubles which he was called upon to surmount, that of providing the bare necessities of life for the German hosts and populations was by no means the least.

A very few extracts from his own version of these matters will suffice to show how narrow in war-time is the margin, even of bare subsistence, available to any part of a continent to-day, whose intercourse by sea with the outside world is made to suffer even the slightest interruption.

Writing in 1919 of the situation as it stood at the end of 1916, the German General says,[1] "Our position was uncommonly difficult, and a way out hard to find. . . . If the war lasted our defeat seemed inevitable. Economically we were in a highly unfavourable position for a war of exhaustion. At home our strength was badly shaken. Questions of the supply of food-stuffs caused great anxiety, and so, too, did questions of morale. . . . The waning morale at home was intimately connected with the food situation. In the daily food the human body did not receive the necessary nourishment, expecially albumen and fats, for the maintenance of physical and mental vigour. In wide quarters a certain decay of bodily and mental powers of resistance was noticeable, resulting in an unmanly and hysterical state of mind which under the spell of enemy propaganda encouraged the pacifist leanings of many Germans. In the summer of 1917 my first glimpse of this situation gave me a great shock. It could be eliminated to some extent

[1] *My War Memories*, p. 307 *et seq.*

" by strong patriotic feeling, but in the long run could only " be overcome by better nourishment. More food was needed. " . . . The masses, especially the middle classes, including " officials and officers with fixed salaries, suffered real hard- " ship. A few, no doubt, gave way to temptation in difficult " times and helped themselves. But the majority were liter- " ally starved. . . . The army often helped the homeland. " In view of the heavy burden laid on the troops, they were " not better off than the men at home. It was with a heavy " heart that G.H.Q. had often temporarily to reduce the " rations of meat, bread, potatoes and fats, and also of oats " and hay. This was done to help the people at home and " keep up the war spirit. . . . The men usually did not have " enough, even when they received the full ration. At home, " the depot troops did not get enough to eat, and this gave " rise to a lot of trouble. Horses suffered particularly heavily, " their rations being wholly insufficient." Measures taken by the Entente, we are told, relieved the German authorities of anxiety as to the feeding of Belgium. There, at least, the saving sea was at hand. The German Block also obtained " substantial supplies from neutral countries, especially " Denmark, Holland, and Switzerland ". And yet, throughout all parts of the Germanic Block, the food-situation from the year 1915 onwards was substantially as described above. " The food-situation in Austria-Hungary was always exceed- " ingly strained. In spite of Draconian severity, there was " never any real hope of procuring the necessary supplies. " The army largely starved, as did German Austria, and " especially Vienna."

Such, and so desperately narrow, was the actual margin of mere food alone, upon which two great modern States in the years 1915 and 1916 again attempted the Napoleonic experiment of waging war without secure sea-trade. What can it be supposed that this margin would have been if, from the summer of the year 1914, the whole lawful strength of England upon the seas had been brought to bear upon it? Or how long, in that case, is it possible that the struggle could have endured?

## V

On 7 April, 1916, when the war had already lasted for one year and three quarters, the highest of the Prize Tribunals of England condemned as definitely unlawful a considerable portion of the system set up by the English Foreign Office to secure the control of English sea-warfare within its own walls; that part, namely, which consisted in the assumed power of the Foreign Office to give directions to Prize Courts as to the principles of Law upon which their judgments should be founded. The Crown and Executive Government of one State alone has no power, said this great Tribunal in effect, to alter the general Law of Nations, whether by Order-in-Council or otherwise. It is essentially characteristic of Courts of Prize that they administer without fear or favour, not the particular Law of one Nation but, the Common Law of all Nations; and a Court giving effect to instructions from its own Government inconsistent with that Common Law of Nations would in the field covered by such provisions "be deprived of its proper function as a "Prize Court".[1]

The rebuke was open and palpable; plain to all the world. For, from its first Order-in-Council of 20 August, 1914, to that of 30 March, 1916, immediately preceding this judgment, the Executive Government of England, acting through officials at the Foreign Office, had steadily presumed to state, alter, re-alter, and alter again the principles of Law by which it desired and even directed the Prize Courts of England to be bound in their dealings with neutral trade of all kinds, whether "contraband" or not. A few instances of this must suffice. The Order-in-Council of 20 August, 1914, assumed to order the adoption by England throughout the hostilities of the Convention known as the Declaration of London, and presumed to enact that the report as to the meaning of that Declaration made by Monsieur Renault "shall be considered by all Prize Courts as an "authoritative statement of the meaning and intention of "the said Declaration".

[1] Judgment of the Judicial Committee of the Privy Council in *The Zamora*, 7 April 1916. 1916, 2 A.C., p. 93.

And, while enacting this, it added to and modified even the Declaration itself, which had been carefully described in its own terms (Article 65) as an indivisible whole. A Royal Proclamation announced on 21 September, 1914, that, contrary alike to the Declaration of London, to the Order-in-Council of 20 August, and to a former Royal Proclamation of 4 August, iron ore, copper, lead, hides and rubber were henceforth to be regarded by neutral trades as being what the Declaration of London had called "conditional contraband"; although on 6 October, 1914, it is true, a telegram from Sweden informed the trading world that, in consequence of legitimate Swedish protests against this executive instruction to Courts, the English Government had "decided not to interfere with the "Swedish export in iron ore".

On 29 October, 1914, a third Order-in-Council repealed its forbear of 20 August, and assumed, by executive authority alone, to lay certain new and extremely violent duties and prohibitions upon neutral shipping; while, on the same date, a further Royal Proclamation announced a third new list of articles which the Government would henceforward desire the Prize Tribunals to treat as contraband; which third list was followed, on 23 December, 1914, by another Royal Proclamation assuming to decree yet a fourth.

On 11 March, 1915, moreover, upon that same ground of "retaliation" which had produced the celebrated but unlawful English Orders-in-Council of 1807 against Napoleon, a further Order-in-Council was launched, assuming to set up against neutral trade such wholly novel principles and practices as, while destroying completely even the doctrine of Free Ships Free Goods, also provoked the very natural and proper complaint of America and every other neutral friend that England then possessed.

It is true that, during all this vital period when the German Block, as it is now known, was accumulating from oversea vast quantities of essential material, which the Law of Nations would have refused to her, and which enabled her to prolong for years to come her great military effort, the people and Parliament of England were being regularly informed by public announcement of every kind that there was no need for disquiet in respect of these supplies. It is true also that while, by these

continually changing executive devices, the trade of neutral States was being subjected to every species of interruption and lawless indignity, the property of Germans found at sea was never in practice even "detained", much less confiscated to England, upon the ground of its enemy ownership alone.[1] It is true, in short, that the supersession of Right by Might in the conduct of the struggle at sea was working to the vital advantage of England's foes, and to her own mortal disadvantage by sea and land alike. The fact will none the less ever remain that, in this bitter process, the Prize Tribunals of England had never any kind of complicity, but that, on the contrary, they denounced and condemned it whenever opportunity to do so arose.

By the great judgment of the Privy Council in the case of the *Zamora*, then, some pause, it may be believed, was given to the English Executive in these matters, at least so far as its conduct both in and towards the Prize Tribunals was concerned; and that this was so in fact, may perhaps be thought to be shown by one of the last Orders-in-Council which it issued upon these subjects. That document[2]—perhaps the most pitiable confession ever forced in public from the lips of any civilized Government—announced in formal terms to the world that the whole system under which the Executive had up to that time assumed to control the war at sea, as distinct from its conduct by the Courts of Prize, had been mistaken and was now to be withdrawn. It was accompanied by a Note, addressed to the Representatives in London of all the Neutral Powers, explaining that it was intended to be understood as "effecting a change in the "Rules hitherto adopted by His Majesty's Government to "govern their conduct of warfare at sea during the present "hostilities". And the change proposed was simply this: that the English Government, in conjunction with the Governments of its Allies, had now "come to the conclusion "that they must confine themselves simply to applying the

[1] See Cd. 8233 of 1916. p. 14, para. 17.

[2] Order-in-Council dated 7 July, 1916. For the precise terms of this Order, known as the "Maritime Rights Order, 1916", and of the explanatory Foreign Office Note to Neutral Powers which accompanied it, see Appendices D and E.

" historic and admitted Rules of the Law of Nations ". The date upon which this change was announced was 7 July, 1916, when the war had already lasted as nearly as possible for two full years. To some it may seem strange indeed that any such " change " as this should ever have had to be proposed in any circumstances by a Government of England.

In truth, however, the change thus formally announced by England to all the world was never carried into effect. Nor could it be carried into effect, so long as there still existed in England a body assuming and exercising over the trading life of the world at sea a jurisdiction wholly unknown to the Law. The first and most fundamental of all the " historic and admitted Rules of the Law of Nations " unquestionably is that the sole authority competent to authorize interference with the trade of neutral merchants upon the seas in time of war, is a duly constituted Prize Court. No other authority competent for this purpose had ever, in 1916, or has ever since, been recognized or heard of by that Law of Nations to which England then publicly, and at last, had engaged to conform.

Yet throughout the year 1916, and to the last day of the war, the oversea trade of neutral States was controlled by a wholly different body. It was controlled by that Committee, meeting steadily in the Foreign Office, to which reference has already been made. Nor is it difficult to understand, having regard to the account of the proceedings of that Committee given by its own Chairman to Parliament in that same year of 1916, how it happened that friendly States and traders were violently antagonized by that very procedure which was at the same time, it is now known, maintaining the supplies of the Germanic Block. " Not long ago ", said that gentleman to the House of Commons on 26 January, 1916,[1] " I was " approached by a Member of this House who was interested " in some manufactory in one of the Scandinavian countries. " He came to me and said, ' I understand that I ought to " ' apply to the particular Committee with which you are " ' associated in reference to some goods that I wish to ship " ' from New York to Scandinavia. I have had several " ' letters from my agent, saying that he cannot get any Line

[1] Parliamentary Debates, 26 January, 1916, pp. 3146 and 3147.

" ' at all to look at the goods or think of taking them on board
" ' unless he has a permit from the Foreign Office. He says
" ' the goods are lying upon the quay in America, and that
" ' he cannot get them forward or get any sort of carriage for
" ' them until I have got a communication from the Foreign
" ' Office'. Of course, I told him that, by applying in the
" ordinary course, if the matter was perfectly in order he
" would get a permit so that the goods could be shipped. I
" asked him the other day about the matter, and found that
" it had worked perfectly smoothly and satisfactorily. Has
" ever any country before established this practice of sub-
" mitting what goods should be carried on the ships before
" they are put on board, to such an extent that big shipping
" companies will not undertake to carry the goods at all
" unless they know that they are not likely to lead to
" difficulties ? "

The answer to this rhetorical question is two-fold. No country, except England in 1914, had ever even imagined such a practice, much less ventured actually to set it up. And the reason why no country or people had ever heard of it before, is that it submits neutral trade in war-time to the immediate direction of a Foreign Office Committee instead of to the very different direction of the Common Law of Nations.

But although, until the end of the war, this system remained in being, it lapsed during the autumn of the year 1917 into a practical desuetude from which it never afterwards emerged. And the cause of its desuetude in that year is an ironical cause indeed.

The whole system, unlawful as it plainly was, had been set up originally, as it has been seen, chiefly through fear of what the United States of America might do, if their shipping to Scandinavia were submitted to the Prize Courts and the Law. In vain the United States Government had explained throughout that their objections were not to Prize Courts and the Law, but to the proceedings of the wholly arbitrary system set up by the English Foreign Office to circumvent both. But, no such plea was entertained. An immense system of illegality had been invented by England in order, so it was

said, to placate America; and if America refused to be placated by it, that was no reason for withdrawing from the system and returning to the regular laws and customs of maritime war. Still less was it a reason for forbidding that enormous and highly profitable English trade with Scandinavia against which America had never ceased energetically to protest. So, and upon such grounds, the whole system was continued; and trade depended, for the first time in human history, upon what apparently were called the "permits" of an English Departmental Committee.

But, in the month of April, 1917, the United States of America, goaded beyond endurance by the violent Germanic destruction of her commerce upon the seas, and realizing at last the character of the destructive effort which for two years and eight months the forces of England and her allies had been endeavouring to withstand, herself declared war upon Germany. And within three months [1] she electrified the Scandinavian world by announcing that, for her part, being now a belligerent with some practical knowledge of the means by which Germany had been able to maintain her strength in the struggle for so long, she would forbid her countrymen to send one single commodity of food, metal, or coal into any Scandinavian port at all. She declared, in short, almost from the first moment of her entrance into the contest with Germany, exactly that embargo upon American exports to Scandinavia which, in respect of English exports, it had been open to England also to declare ever since August 1914.

This action by the United States, which does equal credit to the good sense and public spirit of her people, had evidently now to be followed by some similar action in England. To allow English merchants and ship-owners, even under the cherished system of Foreign Office "permits", to continue their great import into Scandinavia, while that very same import was definitely forbidden to American traders by the Government of the United States, appears to have presented difficulties to the Foreign Office mind. Not at once, but slowly and at last, those difficulties were seen to be insuperable. No general prohibition of English trade with Scandi-

[1] On 8 July, 1917.

navia, it is true, was ever promulgated. Nor was any such needed. For that same system which had permitted the trade was able also to restrict and even to destroy it. All that was needed was to suspend, in the all-important Foreign Office Committee, the issue of any further "permits". By the autumn of 1917 this course was being generally adopted; and at the end of that year, after three years of murderous destruction in some of the fairest portions of Europe; after the razing of towns, the blotting out of villages, and the deaths by violence of many million men; the taps which, from over-sea through Scandinavia, had steadily maintained the horror, were at last and finally turned off by the one solitary Power which alone had held them throughout—England.

And the irony attending that merciful course was this: that the way to it at last had been pointed out by that same America in whose supposed interest it had been so long withheld; and that from the enriched traders of Scandinavia thus deprived of Foreign Office "permits", and abandoned to the uncovenanted mercies of the Law of Nations, there arose no armed hostility nor hardly so much as a sigh.

In this indirect way, at long last, and while still maintaining in being the whole framework of her novel system, England in fact abandoned it.

And then, gradually, but with an unmistakable clearness, the true character of the whole struggle began to be seen. It had already lasted for three years. The continuous front originally established in its chief or western arena was still in existence. All efforts to break it down, and so to restore to the armies a war of movement and manœuvre, had failed. Despite every attempt against it upon both sides, it still stood; and men, observing the immensity of the deadlock thus created, had begun to doubt if it could ever be resolved. Of valour upon both sides there had been enough and to spare. Physical endurance had everywhere been pushed to heights hardly conceivable; and, presiding over the almost unrelieved misery of the stretching miles of trenches, heroism, energy, and a readiness to die were still everywhere to be found. This was true in general of both the hosts concerned; and on both sides it was already certain that

whatever valour and discipline can do had, on shore, been done. But now, in the summer and autumn of 1917, a die remote from all the battlefields had at last been cast. An element at last had entered into the struggle with which no valour upon land can deal. The sea itself was at last to be allowed to intervene; and the war which, because of its own very size, had from the first been really a war of relative total resources, proceeded from that moment to the inevitable end of any struggle in which the sea is allowed to show its strength against its enemies ashore.

Never, certainly, in the whole history of war, has the power of the sea over armies been more triumphantly displayed, than in the events of the years 1917 and 1918; nor has such a contrast ever before been seen as that presented by the resources of the armies and peoples of the Germanic Block in those years, as compared with the resources of their foes. Nor, let it be carefully observed, was this contrast due to any lack of land or land-resources upon the German side. Germany at that moment was, and for long had been, in military control of considerably larger areas of land than her enemies; and the land-bound Block deriving its military direction from her, might well compare in point of industrial and agricultural fertility with the smaller European dominions of her foes. Every resource of more than the half of all Europe was available to her. For three years those resources, helped and fostered by a steadily-arriving assistance from oversea, had been exploited to their utmost; and, by the practice of a most dire economy, had just enabled her armies and peoples, in the words of General Ludendorff, to "manage to exist". But that was all. Every effort made by Germany to extend the area of her land-domination and thereby to increase her fighting resources in food, in man-power, and in raw materials had seemed rather to augment than to lessen her economic difficulties.

True it was that, according to General Ludendorff, "In "the year 1917 only Rumania enabled Germany, Austria-"Hungary and Constantinople to keep their heads above "water"; [1] and that, in the following year, "The supplies "she drew from the Ukraine, combined with our (German)

[1] *My War Memories*, p. 354.

" assistance, undoubtedly saved Austria and her army from " starvation ".[1]

True it also was that the Ukraine, during the summer of 1918, supplied Germany with meat, certain raw materials, and horses in great numbers; without which last, the General informs us, " warfare would have been altogether " impossible, for if Germany had been obliged to raise these " horses our own agriculture would have been hard hit ". Yet, even so, the needs of modern land-warfare soon outran the help thus afforded. And though, in occupying the Ukraine at all, Germany's only object had been " to " procure the supplies that were so urgently needed for our " bare maintenance and the prosecution of the war ", those supplies when received and distributed by rail proved wholly insufficient. " We did not receive the bread-corn and forage " so urgently required to revive the strength of our people at " home "; and " The hope that the corn of the Ukraine " would prove to be an economic weapon which would " improve our position in regard to the neutrals, and would " bring us that further economic relief which was so impor- " tant for maintaining our warlike capacity, had soon to be " abandoned ".

Such, during the year 1918, after three and a half years of fighting and with the sea at last really denied to it, was the desperate economic situation of the armies and peoples of the Germanic Block. What, at the same moment, was the corresponding situation in this respect of the armies and forces of England? In respect of supplies of every sort, whether of warlike material, of financial credits, or of actual food, her forces and those of her friends throughout the world lacked nothing from beginning to end that the whole earth could combine to afford them. No army in the field at any other time in history has been fed, tended, supported, and supplied throughout with all the requirements of military effort as were the armies of England, France, and America in the years 1917 and 1918. They held upon the map of Europe, it is true, only very slender corners of that Continent; and, beside those slender regions, the solid central territories of the Germanic Block loomed gigantically indeed. Yet over all those central territories and over every one of their great

[1] *War Memories*, p. 625.

armed forces there had lain from the very beginning the shadow of that spectre which now, in 1917 and 1918, was to darken into a grim and sure reality; the spectre of exhaustion carried to its last point; of an enforced and spreading weakness reaching deep into armies and peoples alike; of re-actions leading straight to revolution; of a physical incapacity to continue longer so. It was that same spectre whose face Napoleon had also come to know. It was the spectre of the sea-strength of England.

Fighting upon the shore there was in both those years, and fighting of a character even more extraordinary than that which had gone before. For, by the confession of General Ludendorff himself, the German troops throughout its course were in steady process of starvation. While the long arm of England upon the sea was bringing over with ease and safety from the other side of the globe whole new armies, supplying those new armies instantly with every warlike need, and steadily feeding and caring for her own, the Germanic hosts, full of a "tired and discontented spirit which was being "brought into the Army from home", could not be induced even by the discipline of Germany to pass the deserted piles of French and English food. In March and April of 1918, says their famous General, his troops still fought. But "the "way in which they stopped round captured food supplies, "while individuals stayed behind to search houses and farms "for food, was a serious matter". In the German offensive of those months "The enemy's machine-guns continued to "give our infantry much trouble. It should have grappled "with them more vigorously, as a General Staff Officer told "me who had been sent up. But often it wasted time looking "for food".

Not so, and certainly not so for long, can great armies or modern peoples continue in arms. In March and April of 1918, less than a year after the immense two-handed pressure of England had begun in truth to be applied to the situation, the end, even in the eyes of the Germanic Head-Quarters Staff, was plainly at hand. Five months later, on 28 September, 1918, the decision to sue for peace was taken by the German military leaders. Masters of the whole great Block of Central Europe, they were yet hopeless, help-

less, starving, broken, and marooned from the world. The second trial of strength had ended. Intact to all appearance upon all its long-held military fronts, the strength of Central Europe had again been strangled from the sea.

## VI

And what, finally, had been the effect of all this upon England herself?

The conception of sea-warfare entertained and enforced upon the world by the English Foreign Office throughout this struggle had driven England—solely, be it remembered, in defence of her friends—to alter the whole character of her fighting strength. For the first time in her history she became, for over four years, a military power of the ordinary continental sort. Yet the whole sea-burden of the war fell upon her also. She was thus forced to provide at the same time a Navy upon the English scale, an Army upon the continental scale, and also the whole organization of the actual sea-supply required to maintain Europe in flames. Each branch of this three-fold task could moreover, under the new dispensation, be represented to her as essential, alike to herself and to the whole Alliance. If the long hold of the English Fleet at sea were allowed to be even seriously menaced, the entire military effort ashore of herself and her friends must instantly fade away. If the new English armies were not steadily recruited, armed, and flung into the furnace, Europe, she was always loudly and sometimes almost hysterically informed, must at once be overrun by Germany. And if the sea, under English management, could not somehow feed, warm, clothe, and supply with warlike material the forces and civil populations engaged in Europe upon each other's destruction, the whole purpose of the original English intervention might, and probably would, be defeated.

No other country, it was true, would have to bear more than one of these burdens at a time. Other peoples, upon both sides, had only their own armies and populations to think of. Those armies and those populations, of friend and enemy alike, depended for their continued activity, and even for their continued existence, upon the sea. But the sea was no concern of the Continent. The sea was to be managed for

them by England. And so long as the sea remained available to sustain them in their struggle, so long would the struggle go on.

It may well be that if the full significance and magnitude of this task had been realized in England in 1914 and after, the English would have insisted on a return to their ancient ways, and to that rapid cessation of the Germanic land-effort which it was always in their power to enforce. But so wide, at this great conjuncture, were the general resources of England felt to be, and so oblivious had her people become of the true nature of her strength, that no such insistence was heard; and England, by insensible degrees, shouldered the triple burden thus held out to her by the Continent. Nor, in the event, was her belief in her own capacity to bear it belied. Strained indeed she was by the enormous task she had undertaken. But not until she had pursued it for over two years did she begin to feel, among her own civilian people, the first signs of that actual economic pressure which, under her new method of warfare, she and all the nations of Europe together were inevitably laying upon the world. By that time, had England used her natural strength from the first, the whole contest would long ago have been over.

Had German oversea supply through neutral ports and in English and neutral ships been left by England from the first in the joint control of her Navy and the Law, not merely would Germany have been unable to continue her effort until 1917, but the shipping crisis of the spring of that year could never have begun to appear. That crisis arose from the fact that, armed with a wholly new naval weapon which England had given her time to develop, and finding, as Napoleon had found, that the true source of her enemies' strength was on the waters, Germany had adopted the old Napoleonic device of attempting to destroy the sea-supply of England and her friends, even at the certain risk of also destroying her own.

What was called Unrestricted Submarine Warfare was announced as their new policy by the German Government on 31 January, 1917. It consisted in employing the German submarine service to destroy at sight all shipping whatever found by that service upon the seas. It was an

attempt, differing only in method, but not in purpose or in illegality, from that of the Berlin and Milan Decrees, to starve England and her friends of food and general trade alike, even though the supplies of Germany should also suffer, and the enmity of all mankind be incurred. It was a despairing effort to bring to bear upon the seas the true military spirit of universal lawlessness and destruction. It mattered not to its inventors that they themselves would suffer by it; still less that much of the damage done would necessarily be inflicted on their own perfectly innocent friends. The sea was the enemy. Every ship afloat was in truth and at last, if England so chose, available to England and her friends alone. All ships therefore which continued, despite Germany, to carry on the life of the world outside, must be regarded as actual or potential enemies to the Germanic Block and, as such, must be destroyed. "The important thing", says General Ludendorff calmly, in discussing his own part in the decision, "was to sink as much shipping as possible".[1] Shipping in general, any shipping, every shipping, was the foe.

In this effort of Germany to break, at any cost whatever to herself and to the world, the maritime resources arrayed against her by England there was, of course, no novelty and no cause for surprise. Every military people finding their schemes faced and foiled by the power of the sea will always try to break that power. It had happened before in 1806; it happened in 1917; it will doubtless happen again. It is in the nature of things that it should happen; for nations at war are like the ill-tempered animal of natural history of which it was said that if you attack it it will endeavour to defend itself. But in this German effort of 1917 there were two novelties. It was conducted by means of a new weapon; and it had only been made possible at all by the previous proceedings of England herself.

England in 1914 owned under her own flag at least one-half of the actual sea carrying-power of the world.[2] Of the remaining half, roughly one-half again was neutral, one-quarter enemy, and one-quarter allied. At the opening of

[1] *My War Memories*, p. 322.

[2] "In actual carrying-power the tonnage under the British Flag was "at least equal to that of all other countries put together." *Official History of the War. Sea-borne Trade*, vol. i, p. 7.

the war, therefore, England and her allies between them owned some five-eighths of the total sea carrying-space of the earth ; two-eighths of it was neutral ; and the remaining one-eighth of it was enemy. This last eighth at once disappeared from the scene, except in the form of a few early English prizes ; leaving available for the whole work of the world at sea only some seven-eighths of the world's original carrying-power. But of every seven tons in that remaining available space, four were owned by England. In these circumstances the dependence of Europe upon English help at sea if the war were to endure for more than a very few months is obvious. " Neither " France, nor Russia, nor Italy ",[1] says Mr. C. Ernest Fayle, the admirably full and frank official historian of this aspect of the fight, " could have continued the struggle *for more than a* " *few months*, without imports of munitions, material, food, " and fuel, on a scale far beyond the capacity of their own " shipping. No part of the British contribution to the war-" effort was of more vital importance than the provision of " carrying-power ; but the demands of the Allies could be " fulfilled, whether by British or by neutral shipping, only at " the expense of British commerce ".

Upon England, in other words, there lay from the first the whole burden of enabling the actors in the great drama to maintain their respective parts ; with her, and upon the sea, lay the power from the first to bind or to loose the destructive legions of the shore ; to allow the struggle indefinitely to continue ; or, by merely withdrawing her assistance, to bleed any part of it gently to death. She owned, it may be repeated, at the outbreak of the struggle no less than four-sevenths of the available sea-carriage of the world ; and the Law, had she permitted it to do so, would have withdrawn from effective German use and placed instead at her final disposal by far the greater part of the remainder.

Neutral tonnage, under the full provisions of the Law, would at once have ceased to carry at sea any enemy property at all ; and, even under the great new restriction of 1856, would have been confined by the Prize Courts, if they had been allowed to exercise throughout their due control of the matter, merely to the carriage of those

[1] *Official History of the War. Sea-borne Trade*, vol. ii, p. 5.

small categories of goods for Germany which the Law of Nations, in all the circumstances of each case, could not properly deem to be "contraband". Either course must have rigidly confined and speedily ended the whole German military effort. Either course must greatly have increased the tonnage available for the use of England and her friends. Neither, as it has been seen, was adopted. Neutral tonnage indeed, was harried and worried by English restrictions from the first, and much ill-feeling towards England resulted therefrom. But these restrictions were not those of Law; they were the restrictions of Committees and of the English Executive Government. And their total effect, it has been seen, was to maintain alive upon the seas, until the end of 1917, an enormous movement of German-bound property. The German effort accordingly went on, sustained till then by an active sea-trade of all the world, including England herself, with Scandinavia.

Yet, even in these extraordinary circumstances, the sea for over two long years of struggle did not fail England. Nor was it until the end of 1915 that the small margin of shipping remaining available for her own domestic purposes, after the insatiable demands of her allies had been met, began to arouse doubt, even in England herself, as to her capacity to carry on for ever, with a slowly diminishing resource of available tonnage, the double task of sustaining from the sea the entire conflagration in Europe and supplying at the same time with food and raw materials her own island population.

The summer of 1915 had shown, for the first time, a progressive decline in the English import of wheat; and though, despite the closing of the Black Sea to England and the consequent disappearance of Russia as a source of her wheat supply, there was plenty of wheat available to her elsewhere in the world, it was already becoming difficult for England to find the shipping needed to bring it to her shores. And this was in no way because she had not in her own hands ample shipping for the purpose. Still less was it because of any action or possible action of the German mines or submarine naval craft. The whole difficulty of feeding England after the first year of the war arose solely from the enormous demands

made upon her sea carrying-power by both the sets of armies engaged in war in Europe.

Those demands in 1915 had already been heavy enough. Added to those of Germany through Scandinavia in the same year, they had been uniformly faced and met by the wide and patient sea; which, supported throughout by the credit, bunker-coal, insurance, and experience of England, had furnished forth both sides with the necessities of European destruction; and at the same time had enabled England, though at a considerably increased cost for freight, to maintain, and even sometimes actually to increase, the total monthly weight and volume of her import trade. But, if the warfare of armies in Europe was really to be supported thus indefinitely, further demands upon the English strength at sea, further restrictions upon her power to maintain her own people, were inevitable. Fighting upon the shore cannot continue without endless assistance from the sea; and, if England had not sufficiently learnt this from the experience of Napoleon in 1807 and after, she was to learn it again without equivocation from her own experience of 1916, 1917 and 1918.

"Towards the end of 1915", says the *Official History* already quoted, "both the French and Italian Governments "made strong representations that unless British requisi- "tioned tonnage could be allocated to their service on a large "scale, the maintenance of supplies essential to their military "efficiency would be seriously endangered. France requested "tonnage for the carriage of further supplies of coal, wheat, "oats and maize, horses and mules, hay, munitions, steel, and "timber. Italy put forward during December a claim for no "fewer than 150 steamers of an average deadweight capacity "of 5,000 tons, to be requisitioned or chartered by the British "Admiralty for Italian service, in addition to all those already "engaged in Italian trade. According to the statement of "the Italian Government, every ocean-going Italian steamer "was already under requisition or engaged in the import of "essential materials, and all suitable prizes had been brought "into service; but, unless the carrying-power of Italian "shipping and of British and neutral shipping in Italian "service was supplemented by this big further allocation,

" there would be a deficiency during 1916 equivalent to " 4,000,000 tons of imports, principally cereals and coal. In " addition to the demands of France and Italy the " claims of the Belgian Relief Commission had to be " considered ".[1]

Such, under her novel system of handling the sea in wars, were the sort of demands inevitably presented to England. Nor, under that new system, could any decrease in them be looked for. The sea had been placed, upon principle, at the service of a general outburst of land destruction. So long as it remained in that service, the course of land destruction would continue ; and England herself, the mistress of four-sevenths of the carrying-power of the waters, would not know where to lay her hand upon ships to feed her own people. " By the " end of the war ", says General Sir George Aston, writing with the fullest expert knowledge, " the equivalent of over " 1,000,000 tons of British merchant shipping was being " employed solely in the service of France. About 45 per " cent. of French total imports were being carried in British " shipping, including in that total about 50 per cent. of the " coal and about 60 per cent. of the cereal imports. At the " same period about 750,000 tons of British merchant ship- " ping were at the disposal of Italy, carrying about 45 per cent. " of her total imports, and including in that total about " 50 per cent. of Italian imports of coal and of cereals. To " these services to Allies must be added the vast amount of " British tonnage allocated to the transport of the American " army to France, and to its subsequent maintenance there " (200,000 to 300,000 tons deadweight per month), also to " coaling the American navy in European waters (150,000 " tons of bunker coal) ".[2]

Compared with these demands upon English shipping, the losses inflicted upon it by all the cruisers, mines, and submarines of Germany combined were at first negligibly small. During the first full year of the war, from August 1914 to August 1915, the gross tonnage of English merchant-shipping lost by enemy action of every kind was 623,629 tons, or 3·3

[1] *Official History of the War. Submarine Campaign*, vol. ii, p. 215.
[2] *The Nineteenth Century and After.* November 1924. p. 650.

per cent. of her total carrying-space. During the second full year, from August 1915 to August 1916, the gross English tonnage thus lost had risen to 1,035,652 tons. But, on 25 May, 1916, over 1,800,000 tons of English shipping were already allocated to the exclusive use of the Allies while " the " commitments undertaken went even beyond this figure, " since loading for the Russian summer programme was only " just beginning ".[1]

Clearly, then, from August 1914 to August 1916, such difficulty as England found in supplying the ordinary necessities of her own people, while at the same time feeding and supporting her own great armies in different quarters of the globe, arose less from the sea-violence of her enemies than from the insistent requirements of her friends. Had the Continent been able from that time forward to maintain its own military efforts without the constant help of England upon the sea, no question of any shortage of necessaries in England herself could ever at any time have arisen. The tonnage actually owned by England at every period of the war was amply sufficient to maintain in undiminished material supply all her own armies and all her own people at home. There was no moment during the war when England, despite every effort of German sea-activity, could not immediately have supplied herself and all her armies to the full, by a calling-in of her own vessels engaged in maintaining and supplying her allies.

It is of great importance to realize this clearly; and to note with care that what in truth was pressing upon England's food-supply in 1917 and 1918 was, not the sea-effort of Germany, but the vast and unceasing tonnage-demands of her own armies and those of her friends. During the third complete year of the war, namely from August 1916 to August 1917, the gross tonnage of English merchant-shipping lost by enemy action of all kinds was 3,136,259 tons. This period covered the height of the tonnage-crisis of the war. But England at that time " was providing the Allies " with some 3,000,000 dead-weight tons of ocean-going " shipping (of which France and Italy together had more " than two-thirds), in addition to liner services and cargoes " carried on the outward voyages by vessels returning with

[1] *Official History of the War. Sea-borne Trade*, vol. ii, p. 267.

"imports to the United Kingdom".[1] On 31 October, 1918, England, though providing 58·6 per cent. of the merchant tonnage being used in the war-service of the Allies, was yet only able to employ 38 per cent. of her own tonnage in the import service of her own people. Nor, without a violent restriction of English imports, could the soldiers of the United States be either landed or maintained in France. On 30 July, 1918, it was pointed out authoritatively to the Food Council in London, that for each United States soldier landed in France about five tons of stores had to be sent by sea each year, "so that for every 5,000 tons saved on the imports "programmes, 1,000 additional American troops could be "maintained in France"; and for the 519,000 United States troops carried in English ships during the four months ending on 31 July, 1918, it is stated accordingly in the Official History of these matters that no less than 1,000,000 tons weight of imports were definitely shut out from English ports.

In circumstances of this sort, with so immense a proportion of the whole sea-burden of the struggle upon her shoulders; with allies everywhere clamouring for her tonnage to enable them not only to fight but even to live; with her own armies everywhere to support from the sea; and with only a very small remaining margin of shipping available for her own civilian needs; it is not surprising that England, for the first time in her history, began herself to feel the steady pressure of the sea. For two years she had felt it scarce at all. Her total volume of imports during 1915 had been slightly greater than that of 1914. In 1916, after two years of war, it fell by only just over five per cent.[2] Yet, in December of that year for the first time, not only was a Shipping Controller appointed in England but, what was even more ominous, a Food Controller as well. Their duties were to arrange between them not, as might have been supposed, for a large increase of England's food import, but for its still further restriction. Their efforts completely succeeded. In 1918, we are told, "the cereal position in France and Italy had been secured

[1] *Official History of the War. Submarine Campaign*, vol. iii, p. 242.
[2] From 46,597,000 tons in 1915 to 44,282,000 tons in 1916.

" until the coming harvest. To effect this it had been neces-
" sary not only to economize space to the utmost by importing
" wheat so far as possible in the form of flour, but to restrict
" consumption in Great Britain by dilution of the loaf, a
" higher percentage of extraction, increased import of con-
" centrated farinaceous preparations, further restrictions on
" brewing, and economy in feeding-stuffs through slaughtering
" of cattle. In these ways, British imports of cereals for the
" six months February to July (1918) inclusive were reduced
" by 1,700,000 tons, or nearly 33 per cent. on the figures for
" 1917. Thanks to this saving, it had been possible to divert
" to France and Italy since the beginning of April (1918)
" supplementary cereal cargoes amounting to 986,000 tons,
" and diversions on a still larger scale were being arranged for
" the following months ".[1]

In the face of facts like these, of which any further number may readily be quoted, the conclusion is clear that England's shortage of import during the last three years of the war, and such hardships as then were suffered by her people in consequence of this shortage, were due not at all in truth to the naval efforts of Germany upon the sea. Those, if they had been all that England had to face, would hardly have affected her at all. Her hardships and shortage of necessaries in those years were due directly to the prolongation, beyond the year 1915, of that entirely novel system of war-management which laid upon her the unprecedented task of maintaining from the sea without respite, not merely her own population and her own great and newly-formed armies, but also and into the bargain the populations and fighting forces of her friends and enemies alike. That the small island of England for years on end was able in the face of all the world to affront such a task as this, without reducing her own traders and people to complete starvation and ruin is indeed a proof and testimony of her enormous economic strength. But proof upon this scale is expensive ; and more expensive at last for the rest of the world than even for England herself.

The price paid for it at the time was high indeed ; but not so high as that which England and the whole world with her

[1] *Official History of the War. Submarine Warfare*, vol. iii, p. 373.

have had to pay for it since. For the prolonged effort of destruction in Europe destroyed not men alone. It destroyed also, by reason of its prolongation, the power of their successors to rebuild among the ruins. It slew not only, as the war proceeded, almost all that free movement of commodities upon the sea which is the life and economic breathing of a peaceful world. It slew also, by straining the pivot upon which that movement turns, the power to set it up again even after the struggle had ended. It strained the mainspring of the entire trading fabric. It shook the credit of England.

To that credit every single ally of England in Europe had turned at once for help. It was freely extended to every one; and the essential importance of that credit as a source of European strength, in war as well as in peace, was never more painfully shown than in the years which followed 1914. To her friends upon the continent England, from her own unaided resources accumulated before the war, lent during the last years of the struggle no less a sum than £1,000,000,000; and, placing behind them, also, in their extremity the full resources of her own great borrowing power, procured from the United States of America for their use, and lent to them again, another sum of equal amount.

For herself, from beginning to end, she borrowed from abroad nothing. Maintaining at every point of operation armies comparable in numbers with, and certainly more costly than, those of any other Power; supporting without respite from the sea the military needs of her own forces and those of her friends; nourishing from her own resources and from every quarter of the world the various civilian populations concerned; and guarding the whole vast effort with an unexampled force at sea; she yet paid her way throughout, and emerged from the struggle owing much, indeed, to her own people in the form of a greatly increased National Debt, but owing nothing whatever to any foreign people except the £1,000,000,000 which, at their own urgent request, she had used her credit with the United States of America to borrow there for the use of her military friends.

No greater testimony to the overwhelming resources of England's financial strength in the world can ever be needed.

But, although good as testimony, it was a testimony dearly bought; and dearly bought by all the world. For, from the diminution of the actual wealth of England; from the immense sales of her securities in foreign lands to which she was forced (amounting to a total value of some £800,000,000 in the United States of America alone); and from the weight of internal debt and consequent taxation laid upon her people, there resulted during the period of war itself a constriction of English international credit from which England herself suffered much, but from which the world at large was destined to suffer even more.

It is in this respect perhaps, upon a broad view of the matter, that the world has been most gravely injured by that prolongation of the war which resulted, inevitably, from the failure of England to apply to the situation in Europe from the first the full measure of her true and abiding strength. In her lay, before the war, the central credit-machinery of the commerce of all nations. Upon the maintenance of that machinery depended, and depends, in a pre-eminent degree, the material life of civilized man. Her prolongation of the war gravely shook it; so that the dollar of the United States which, during the first few months of the war, had actually receded in value as compared with the English pound sterling—standing at one time so low as $6\frac{1}{2}$ dollars to the pound—gradually rose superior to the pound in exchange value, and could only at last with difficulty be held at the level of some $4\frac{3}{4}$ dollars to the pound. There, in substance, it remained till the end of the war, held at that level partly by the true financial relations between the two peoples, and partly by various forms of English financial artifice.

In March, 1919, however, when the war was virtually over, those artifices could no longer be afforded, and had perforce to be abandoned by England. The true position was then instantly revealed. The United States dollar, as measured in English currency, rose steadily in value, till it touched at one moment only $3\frac{1}{5}$ dollars to the English pound: and, more important even than this, the Bill on London, the great instrument of credit by which the commercial life of the world had up to then been principally upheld, was no

longer convertible into gold. In this vital respect, for six years thereafter, the place which it had so long held among traders was taken by Bills drawn upon the United States and, in general, by those drawn upon New York. If, in these circumstances, the New York managers and lenders of United States credit had possessed either the long and trained experience of London in the financing of international trade, or the capacity of London to inspire and to be inspired by trust, the financial centre of the modern trading world might, during those six years, have been temporarily removed from the maritime centre of that world and deposited instead upon one of its outer edges. That situation could not have lasted ; but it might have arisen. And the fact that it did not arise, and never seriously threatened to arise, in spite of the free convertibility of the Dollar Bill and the non-convertibility for six years of the English Sterling Bill, is further proof indeed, if further proof be needed, of the irresistible tendency of trade as a whole to revolve, not about its edge but, about its centre.

Yet the injury done to England and to the world by the mere practical possibility of such a commercial convulsion was great ; and that possibility could never have begun to arise had the military struggle ceased in 1915, or even in the following year. It was the strain borne by England in 1917 and 1918 which finally warped even her far-spread financial credit throughout the world, and so altered, at least in appearance, the whole orientation of international trade. It was, moreover, the events of those two years in Europe, which finally broke up the economic framework of that continent, and, by reducing to literal ruin many great populations within its borders, rendered very slow and very difficult the task of reconstructing for them that orderly commercial movement of commodities, upon which their own continued prosperity, and a large part also of the continued prosperity of England herself, must always depend.

The responsibility, then, incurred by England towards her own people, towards Europe, and towards the whole world, in this matter is great. Deliberately, plainly, knowingly, and in a sadly unsuccessful attempt to justify in practice certain

novel notions as to the management of sea-warfare, which had been suggested to her from the Continent, and which had no warrant whatever in Law, she directly connived for years on end at the reduction of her own position in the world, and at the destruction and break-up of Europe. Not, it has already been said, until the autumn of 1917, did England first begin to use against her continental assailants in this second great defensive effort of her history, the full measure of her strength at sea; and within less than twelve months from that moment, the resources of that assailant had been so mortally reduced as to render him incapable of further serious harm. But the German offensive had begun in the summer of 1914.

For three years, therefore, on grounds of whose permanent validity the English people will surely sooner or later have to judge, England had chosen rather to allow the struggle to continue and spread, than to employ for its early extinction the full extent of her power. Her choice in that respect had not been accidental. It had, on the contrary, been long and deliberately prepared for her. But it was never the choice either of the English Parliament or of the English people. They, whenever they had been at all consulted as to the retention by their country of her full rights of war at sea, had uniformly chosen to retain them. The choice had been that of her diplomats alone.

In 1856, in 1908, and again in 1909, the English Foreign Office, in so far as it alone could avail to do so, had committed England to a wholly new conception of sea-power; and to that new conception, despite the entreaty of her friends, the bewildered protests of her seamen, the discountenance of her own Courts, and the amazement of all her foes, England was held by that same Office during over three years of devastating war. At last, it is true, the whole foolish conception completely broke down. England, under the pressure of real events, resumed at last, and more than resumed, the whole of her ancient powers; going as far beyond the Law, in 1917, as she had fallen short of it before. And from that moment the fate of Germany was sealed.

But the deliverance thus effected was late; and the proceedings of 1856, of 1907, and of 1909 cannot now safely, as

apparently is still sometimes expected, for ever be forgotten. Those dates are of no common sort. They mark events which came near to ruin half the world. They stand for all time upon the tombs of many million men who in 1916, 1917, and 1918 died bravely, and not in vain, for their respective countries.

To these men it was, sailors, soldiers, and civilians of enemy and friend alike, that the bill for England's choice in this matter was at last presented for payment ; and now that, through her unwitting fault, they are no longer able to speak for themselves, it is right that, in England at least, the true cause of their sacrifice should be known.

## XIII

## THE STRENGTH OF ENGLAND

ENOUGH perhaps has already been said to persuade the reader that the strength of England, arising as it does from her unique position and function in the world, is permanently different in character and quality from that of every other country under heaven. Different from theirs in peace, it is also different from theirs in war. Nothing in the least like it exists elsewhere to-day, or ever can exist in the future in any other people. For, no other people inhabit or ever can inhabit a single, small, and densely-crowded island approachable by outside trade solely along the surface of the sea, and standing for ever at the permanent crossing-place of the main roads of the world.

But this lonely situation of sea-centrality, occupied and slowly developed by England during the past four centuries, has necessarily endued her with certain attributes altogether peculiar to herself ; the chief of which, in conclusion, must here be summarized.

England, then, in the first place, is peculiar among all other countries, in respect of the degree to which she is dependent for her mere existence upon her own free use of the surface of the sea. If that use could be forcibly denied to her people for three months, they would begin seriously to starve. In six months, nine-tenths of them would almost certainly be dead. It is true of the English, therefore, as of no other people, that they have, from the mere accident of their position in the world, literally no choice as to whether or not they will maintain in all circumstances the power to command the surface of the sea, in the sense of being able to remove from

that surface any obstacle that may there be offered to the steady movement of their own trade. That power, at least, they must at all times maintain, or resign themselves at once into the mercy and control of those that have it. But this necessity, in that degree, is peculiar to England. It is an essential attribute of her situation that she has, in fact, *no choice* as to whether or not she will maintain control of the surface of the seas. That control is her life. Without it she dies.

Nor has she any choice, merely from the point of view of her own single interest, as to whether or not, in time of peace, she will so use her necessary peace-time control of the sea as to maintain a free use of its surface for the movement and traffic of all nations, as well as for her own. A vast proportion of her own riches and strength derives, it has been shown, from the sea-movement of all peoples in every part of the globe. Her interest is directly bound up with every increase of commerce everywhere; since all commerce everywhere at last must feed sea-commerce; and of sea-commerce there is little indeed, by whomsoever ostensibly conducted, that brings no form of profit to England.

So clearly and for so long has this been realized in England that she alone, among all the greater sea-trading peoples, has abolished for over a century every form of preference or monopoly to her own people at sea. English coaling-stations everywhere, without recourse to which the present aggregate sea-movement of the world would be nearly impossible, are open upon equal terms everywhere to the ships of all nations. No distinction whatever in respect of dues or charges is made between English and foreign shipping at any English port; nor is any foreign ship that cares to undertake the work debarred from participating in the English coasting-trade, or in any portion of the sea-movement between England and her various dependencies far or near. So far as England is concerned, the absolute freedom of the seas to the ships and traffic of all nations in peace-time is completely conceded.

It is by no means so, even to-day, with others. No English or other foreign vessel, for instance, may to-day take any

part in the movement of goods by sea between the eastern and western sea-boards of the United States of America; nor may any English ship engage in the trade between the ports of that country and any of her few colonial possessions, such as Hawaii, Porto Rico, or the Philippine Islands. The whole coasting-trade between French ports, as well as the traffic between France and Algiers and, in effect, between France and Tunis also,[1] is reserved by French laws to French ships alone. Trade between any Russian port and Vladivostock is forbidden still to all but Russian ships.

The difference of spirit thus displayed is not accidental. It arises, again, from the peculiar situation of England in the world. To France, Russia, and the United States of America the sea in peace-time is interesting chiefly, and perhaps solely, merely in so far as it can be made to add to their own prosperity by carrying their own particular trades. With the cheapening, easing, and consequent growth of the total sea-movement of the world at large, they conceive themselves, nationally, to have no concern. But to England, it has been seen, that general growth possesses, by virtue of her special situation in regard to it, a great and growing value. She, in far greater degree than they, must import goods to live. And to pay for her imports she must export in her turn.

But, among the greatest of her exports is that great mass of valuable services rendered every year by her shipowners, bankers, brokers, insurers and investors to the whole sea-borne movement of the earth. In the year 1925, those exported services alone paid between them, according to the very conservative official estimates of their pecuniary value, for the whole import of raw materials required by English industry during the year; more than paid for her total import of foreign manufactured articles; or paid for something nearly approaching to four-fifths of her total import during that year of food and drink together.

It is clear, therefore, that England stands with regard to

[1] A heavy preferential tariff in favour of French goods brought by French-owned vessels confines this movement, in effect, to French-owned ships.

sea-borne trade in general, in a situation wholly different from that of any other country. To retain her independent existence she must always be able, at need, to control, even in peace-time, its continuity and safety at every point; and to maintain at once her own distinctive commercial position and the most valuable single item of her essential yearly exports, she has a direct interest in fostering every form whatever of legitimate movement upon the seas; whether it be white or black, foreign or English. Those two circumstances are true in like degree of no country other than England. Their peculiar importance to her arises solely from her geographical position among the nations. That alone suffices to differentiate her completely, even in times of peace, from every other State. Her position thus differs in quality from that of all other peoples.

And, differing from them thus, England necessarily differs also from all other countries in her general outlook upon the world. Standing at the cross-road of the earth, and reaching out eternally by sea to every end of it, she must inevitably have far wider, far more general, and far more varied interests to consider than any other State. To the statesmen of continental Europe, Europe itself, with all its countless questions, intrigues, quarrels, ambitions, hatreds, frontiers, and the rest, must always take the place of overwhelming first importance. To them, the affairs of Europe must always seem to be very nearly the affairs of the whole world.

Of the various peoples of America, both North and South, the same is certainly true; so true, indeed, that a resolute detachment from the affairs of all other continents was until recently an accepted maxim of statecraft among them.

Asia, with its vast and ancient peoples, and Africa, too, with hers, are also concerned in so far as they are concerned in public affairs at all, exclusively with their own.

This it is which, to an English politician and certainly to any English statesman, inevitably gives to all foreigners, and even to all foreign politicians and statesmen, an incurably narrow and even a provincial air. For England, from the nature of her case, has always far wider horizons than theirs. Her affairs are never those of her own island

alone, of her own people alone, of Europe, of Asia, or of any other continent alone. With roots and tendrils deep sunk in every quarter of that world of which she occupies for ever the central seat, the interest and glance of England must necessarily at every moment embrace, if not the whole earth, at least that vast portion of it to which, upon the long roads of the sea, the trade and life of the world can reach. If one source of supply in that great conglomerate should fail her, another must, and, so long as the sea is hers, can, always instantly be found; to all alike, wherever trade at sea is running, she extends the use of her ships and the essential blessing of her central, built-up credit; and so, from all alike, draws a strength, either in goods or gain, which steadily renews itself in the actual process of renewing the world.

No other country either does or can perform in like degree a continuously centralizing function of this sort for the life of the whole earth; nor is it true of any other country, that a final destruction of her credit would utterly destroy also for the time being the whole commerce and credit of by far the greater part of mankind. From her curious situation in this respect, also, arises that air of detachment from, and apparent indifference to, the particular affairs and customs of other peoples, even of her near geographical neighbours, which has always marked the English character, and has ever been a sort of puzzle to the rest of the world. It is not that the affairs of Europe, of Asia, or of America do not interest the English. It is that each of these sets of affairs can only be, to them, but one small part of that sea-borne life of the entire human race, by which alone the life of their own small island can be borne up and maintained.

And here appears with great clearness the true objection, so far as England is concerned, to all those wild and foreign-born doctrines which, under the names of Communism, Socialism, Anarchism, and the like, seek to-day with such growing persistence to pave the way for their acceptance. Each one of them involves a preliminary destruction of existing credits. Such destructions of commercial credit are always mischievous; and, even in the case of so highly self-supporting a people as the Russian, have recently been seen

to cut off in a nearly mortal degree from the general life of the world those who submit to them.

But a destruction of the international credit of England would, by reason of her wholly sea-borne situation, not merely thus cut her off also from all foreign trade. It would kill her dead; and that in a very few weeks. For although she at present grows about one-fifth of the wheat and about one-half of the meat required for her people's food, yet she is only enabled to do so by maintaining from oversea a constant import of fodder for her cattle and of fertilisers for her land; and this vital import would necessarily cease with all the others at the first breath of doubt abroad as to her actual ability to pay for it—that is, with the first real shaking of her international, commercial credit. No power on earth, in time of peace, will keep goods upon the sea from reaching at last their best available market; so long as England's market is the best, there they will arrive; but, with the credit of England suddenly destroyed, neither fodder nor fertilisers would continue to reach her from abroad.

With the similar cessation, moreover, of her vast weekly import of meat and grain, the inhabitants of her cities would speedily be forced to call upon her country districts for the grain and meat required to enable them to live; nor, in those circumstances, could it be long before the whole capital stock of both those commodities would have been completely exhausted. Then neither fodder nor fertilisers from abroad could any longer save her. England, by the mere loss of her credit, would have ceased to exist; and her people, once the chief upholders of the commerce of the world, would have been reduced literally to the state of starving animals, destroying each other for food.

If the inevitability of this single result of the practical application of Communistic principles to England were fully apprehended by her people, it may be doubted whether those principles could continue to be safely preached upon her shores. It seems more probable, on the contrary, that those who hold them would either have to hold them in silence, or face the unpleasantness of being hunted out of the island like rats.

But if, in this peculiarly vivid sense, credit and a command of the roads of the sea are at once the essential source of England's strength in peace and the fundamental condition of its continuance, what of her strength in war? That also, as would naturally be expected, is wholly different in character from the war-strength of other peoples. It is a strength which, because it arises out of her own sole position in the world, can never be held by any other people or separated, so long as she maintains her national independence, from herself; and its nature may be quite simply stated.

The strength of England in time of war consists in her combined right and power to secure for her own people, and for her own friends throughout the struggle, an unimpeded recourse by sea to the supplies and resources of the whole outer world, while at the same time denying that recourse to the peoples and forces of her enemy. The effect in war of her employment of this double power has always in fact proved decisive. That effect is far more rapid and certain to-day than ever before. It is an effect that may be and most commonly is produced without slaughter, without violence, without any destruction whether of life or of property. It is an effect of mere preservation and diversion. It is accomplished by a calm and settled process of equal and civil Law.

The mere knowledge that so decisive a power exists, must always act as a strong deterrent to the rulers of any State in Europe contemplating the launch there of any purely predatory effort against the public law of that continent. Its exercise against any such effort must necessarily contain and limit the effort itself within very narrow limits of time; since no military effort, it is now known, can in modern conditions be sustained for long when deprived of an effective use of the sea. And lastly, so far as England herself is concerned, it enables her at need to exert in Europe and elsewhere a finally decisive influence in discouraging wars before they break out, and in circumscribing and shortening wars after they have broken out, without laying upon herself at any time the nearly intolerable burden of maintaining at once a Navy able to secure her own existence, and an Army also upon the Continental scale.

This form of strength, it has been seen, is peculiar to England alone. No other country, or possible hostile combination of countries, can ever actually possess it as against her, if her own independent existence is to be maintained at all; since, were the control of the sea-roads to fall into the hands of any other country or combination of countries hostile to herself, England would lie completely in their power, and could merely surrender at discretion. It is, therefore, an English strength alone, and a strength which, in material fact, a still independent England must always necessarily possess.

But it is a strength of Law. A war-time power of this peculiar sort, reaching out over the whole world, involving at every moment questions both of fact and of law, and touching continually the rights and duties of every species of traffic on the seas, cannot with decency be administered except according to Law. To place the trading life of peaceful and friendly communities of neutrals at the mercy, during war, of the constantly changing vagaries of belligerent executive governments, or of any one of their departments, is to outrage the comity of civilized nations and defiantly to displace Right in favour of Might. It is gratuitously to invite, and certainly to incur, the hatred and suspicion of all the world; for the lives and fortunes of all the world will never patiently submit, even when England herself is at war, to be held at the mercy of English government departments. Nor, of all the existing departments of English government, can any be found less fitted to wield a gigantic power of this kind than that which is called her Foreign Office.

For, if so trite an observation may here be allowed, the business of the Foreign Office of England is not to wage wars, but rather, and at almost any cost, to seek Peace and ensue it; and the more skilled a department may be in the arts of preserving peace, the less skilled it is likely to be in the precisely opposite arts required for conducting war. The two businesses, indeed, are fundamentally incompatible; and the spectacle of a Foreign Office attempting to control a war, is as strange as would be that of an Admiralty or an Army Council attempting to draft treaties.

Diplomacy, moreover, with whose fine-spun intricacies all Foreign Offices are chiefly concerned, must always very largely be conducted in secrecy. Secrecy, indeed, is an essential ingredient of all diplomacy; not because England herself, perhaps, has many secrets to conceal from her people, but because she is constantly landed by her diplomats in situations which force her to conceal the secrets of others. But a department thus necessarily involved in darkness can never be a suitable repository for, still less a suitable arbiter of, the open, clear, and permanent power of England. Diplomats, also, from the nature of their calling, must always acquire a strong sympathy with, and understanding of, the point of view of other peoples. They imbibe from the very air in which they work, as well as from those prolonged sojourns in foreign capitals which are deemed essential to their training, a foreign bias and bearing impossible to mistake, and plainly apparent to every English observer. This continental habit of mind, affecting as it often does even their manner of speaking the English tongue, is no doubt useful and appropriate in men who have continually to deal with foreigners, and who end at last by doing so almost as though they were foreigners themselves. But it is not suitable or right, in any case, that there should be entrusted to men of that peculiar bias the power to alter at their will, without previous reference to the English Parliament or people, the fundamental rights upon which the true fighting strength of their own people and the future peace of the world alike depend.

Indeed, it is difficult to imagine that the English Foreign Office, after all its recent experiences in that respect, can any longer desire to retain within its own walls a function so utterly unsuited to its proper business as the conduct of sea-war. That function is concerned, it has been seen, wholly with maritime trade. And of the practical trading of the world, with all its infinite ramifications and unexpected bearings upon military resistance in different countries, the Foreign Office neither has, nor pretends to have, any expert knowledge whatever, beyond that laid open to the world in the annual English consular reports.

When, therefore, under its own new system of warfare, the Foreign Office in 1915 found itself suddenly faced with the task of interfering daily, and by purely arbitrary decree, with the entire sea-commerce of the earth, it was forced to call to its assistance a number of practical sea-traders ; by whose advice, in fact, it remained continually ruled throughout. The whole sea-movement and commercial life of the world were thus placed at the mercy of a single English department of State, and made to depend upon the " green clearances " and other arbitrary licences issued in its name by a body of English traders. But it is the nature of traders to desire to trade. It is their nature also to rely in all matters affecting their normal business in peace-time, upon agreements entered into between themselves and those with whom they deal. It is not the business of traders to wage war upon the seas. That, it has been seen, is the combined business of Fleets and of Courts alone. Traders, so far from desiring to fight, are always in their hearts desirous to trade ; and it is from that simple circumstance, and not from mere incompetence or from a direct desire to assist the enemy, that there arose within the Foreign Office itself that system of " arrangements " or " agreements " between the Foreign Office of this country, and bodies of traders in neutral countries upon which the whole organization of warlike supply to Germany immediately came to depend.

This particular system was itself of an almost German simplicity. It was designed to secure to the various peoples of Norway, Sweden, Holland, and Denmark enough supplies from oversea to enable them to exist in ordinary peace-time comfort throughout the war, while at the same time ensuring that they should not use the supplies thus vouchsafed to them for the comfort and assistance of Germany. In pursuance of these two admirable ends, a series of agreements of increasing solemnity and complication were concluded during 1914, and widely extended during 1915, and, after between the English Government on the one hand, and certain " recognized associations " of neutral and Scandinavian merchants on the other ; of which the Swedish Cotton Spinners' Association, the Norwegian Cotton Spinners' Association, the Association of

Danish Importers, the Société Suisse de Surveillance Économique, and the so-called Netherlands Overseas Trust, were at first the chief.

These "agreements" were all secret. Their full terms were never known in England. But they provided in effect that approved imports consigned to these bodies from oversea, should all be allowed, by order of the English Foreign Office, to pass safely through the arms of the English Fleets at sea, on condition that guarantees were first given by those bodies that the imports thus allowed to them would be used strictly within their own respective countries, and would not be re-exported instead to Germany. In return for their guarantee in this respect, these bodies were accorded by England, in several cases, a practical monopoly of their country's import trade.

No serious difficulty, it may well be believed, was experienced in inducing foreign merchants to accept, upon conditions of so simple a sort, trade-monopolies of this far-reaching and highly valuable description. Nor can it be denied that, if the original expectations of the Foreign Office in regard to them had been fulfilled, German supplies from oversea might have been substantially destroyed. That they were not in fact destroyed has already been seen. That, on the contrary, they were maintained throughout the years 1914, 1915, and 1916 across those very countries, and by means of the very imports allowed to reach them under these "agreements", is now universally admitted and known. And the reason, of course, is clear enough. It is that all these "agreements" provided that while England should receive nothing but guarantees, the neutral countries in question should continue to receive goods. And it is with goods, and not with guarantees, that armies and peoples at war are sustained.

The agreements, in short, and the whole novel system underlying them, broke down completely from the first, because they were completely false, and most dangerously false, in principle. They broke down, as was inevitable from their very nature, in every respect except that of maintaining the supplies of Germany. And even if this were not now known to have been so, a moment's consideration will show

that it was always sure to be so. For when once, in return for the guarantees landed in England, the coveted imports had been actually landed in Scandinavia, no "agreement" that ever was made could prevent the forwarding of them at last from Scandinavia, either actually themselves, or in the form of other goods set free by their arrival, into the enormously profitable adjoining market of Germany. The "agreements" themselves were sometimes directly broken even by the specific neutral merchants who had made them; sometimes under cover of a "licence" from their own Governments and sometimes without. But such direct violation was seldom necessary. Far simpler methods were always at hand. By selling his goods on their arrival to second and perhaps third persons among his fellow-countrymen, or by exporting them again from his own country into another adjoining neutral country, the original importer could always honour in appearance the "guarantee" he had given to England, while at the same time securing the enormous profits awaiting his goods in Germany.

Or, while retaining in his own country, according to his guarantee, the actual goods he had received under the protection of the English naval forces at sea, the neutral importer could always forward to Germany similar goods which otherwise it would have been impossible for him to spare, without any infringement of his guarantee at all. Raw materials allowed to reach neutral countries under this system, on the understanding that they were for exclusively neutral use, were notoriously forwarded to Germany in large quantities, packed up with genuine neutral exports; while, by diverting goods in transit through neutral countries into German territory "en route", an evasion of the whole fabric of these "agreements" could always readily be contrived.

Small wonder is it, therefore, that after many months' experience of the working of these agreements with neutral traders, the Foreign Office itself should have been constrained, in January 1916, to admit publicly that "in spite of all of them, goods may and do reach our "enemies, and, on the other hand, considerable inconvenience

" is caused to genuinely neutral trade ".[1] In due course, the total permitted oversea import of these neutral countries came, under these ingenious agreements, to be based upon their ordinary peace-time import only, so that these countries were truly said to be as it were " rationed " by England. Yet, even so, the German supplies from Scandinavia continued; since, as the Foreign Office itself observed at the time, " an importer may always let his countrymen go short " and re-export to Germany ". These so-called " rationing agreements " had thus three plain effects. The unhappy neutral populations had increasingly to " go short " of actual necessaries of life; the profits of English, Colonial, and neutral merchants engaged in this trade were maintained; and the armies and peoples of the German Block, in consideration of paying those profits, continued to receive their supplies.

One typical example of the practical working of this astounding system may be given. During the spring and summer of 1917, when food-shortage was already pressing hardly upon the German and Austrian resources, it became evident that, because of a grave lack in Austria of one single commodity, it might be found utterly impossible to reap the Austrian harvest. The commodity in question was that peculiar binder-twine with which alone, in the mechanical reaping-machines supplied to Austria by American enterprise, the sheaves can be bound. If binder-twine could not be procured in Austria before the harvest of 1917, therefore, the harvest would have to be reaped and bound by hand; and that would mean, either a great withdrawal of man-power from her armies, or an inability, from shortage of labour, to reap the eagerly-expected harvest at all. But binder-twine could only be obtained in Austria from oversea. In these circumstances the chief representative in Austria of the American Harvester Company made, as was his duty, strenuous endeavours to obtain for Austria a supply of binder-twine from oversea through neutral ports. For many months he was quite unsuccessful in this attempt, and the position began to look extremely serious. But, at last, and only just in time, a complete train-load of binder-twine

[1] Cd. 8145 of 1916, p. 6.

from oversea arrived in Austria at his disposal. It saved the harvest and directly prolonged the possibility of Austrian resistance. And when he was asked by a United States representative in Vienna how on earth he had managed to secure this twine at all, the agent answered that they had reached him through the Netherlands Oversea Trust, and that they had only had to change owners twice on the way.

Commenting upon this strange method of prolonging the military resistance of one's enemies in war, the Foreign Office announced, in 1916, that, though the temptation to neutral importers under these agreements to re-export their supplies was great, and necessarily increasing with the increasing urgency of the German demand, yet "the amount that "gets through in this way cannot be large, and the system is "in its working so simple that it minimises the delays and "other inconveniences to neutral commerce inseparable from "war".[1] The system unquestionably was simple. But its practical effects were also simple; and these, thanks to the official figures now published by Rear-Admiral Consett, are now known. The supply which it provided for Germany, until it ceased at the end of 1917, may not have been what the Foreign Office then considered "large". But it was enough, and more than enough, to enable Germany to continue for years on end a military effort which without it would have been utterly impossible. Yet it is to methods of this sort, and to systems having those results in practice, that England will always be driven, so long as her distinguishing strength in war continues to be wielded by anonymous committees of diplomats and traders, instead of by the open power and recognized authority of her Fleet and Courts together.

For the strength of England in war, let it again be repeated, consists in her combined power and right to turn off from her enemies the taps of sea-supply while keeping all those taps fully open for herself and her friends. The actual power to do these things she must always possess if she is still to retain her independent national existence at all.

But the right to exercise her power in this respect is another matter. That right, if she chooses, she may give up.

[1] Cd. 8145 of 1916, p. 7.

That right, if she chooses, she may retain. That it is hers to-day according to the general or Common Law of Nations, if she cares to claim it, is certain. The extent to which, in law, she gave it up by her mysterious signature of the Declaration of Paris of 1856 is quite uncertain. During the recent war with Germany, in actual fact, and under the name of reprisal, England more than reclaimed, and much more than exercised it, as against her neutral friends; though not, till very late in the struggle, as against her enemy. And the right here in question, the specific legal right upon which all her distinctive strength in war depends, is simply that same right sought to be withdrawn from her Courts by the Declaration of Paris of 1856: the right, namely, to condemn as good prize to the English Crown ALL THE PROPERTY OF HER ENEMY WHEREVER FOUND BY HER NAVAL FORCES UPON THE HIGH SEAS. That, in point of Law, is a right of war. It is also a right, not merely of the plainest sense and justice in itself, but a right which, as immemorially administered by Courts of Prize, never has laid and never can lay the slightest injury or injustice upon neutral traders. It is a right also which is, and must ever remain, as vital a part of the true strength of England among nations, as her continued physical command of the surface of the sea.

But, to insist again upon its essential characteristic, it is a right of Law. It is incapable of just or efficient administration apart from Law. To place the power of England at sea, and therefore the continued life and movement of the whole earth upon the waters, into the hands of any single English Government, or Government Department, is to misconceive and degrade the whole character of that power. It is to bring it down from its own high level, into that atmosphere of mere unregulated force, which commonly surrounds the proceedings of war upon the land. It is to claim for England at war the right to deal as her Government arbitrarily chooses with the entire commerce of the world. It is to place all neutral traders in her uncovenanted power. It is to exalt her changing Governments and what should be the most peaceable and the least suitable of all her Departments for such a purpose, into the armed autocrats and therefore the potential oppressors

of the sea-borne life of mankind ; and at the same time, while claiming for England far more than she has ever at any time formally claimed for herself, and far more than it can ever be necessary or just that she should claim, it mortally weakens in practice her power to end all her more serious wars with speed, and so to bring back again to all mankind the blessed reign of peace.

To abrogate, to denounce, and to withdraw from her adhesion to the Second Article of the Declaration of Paris of 1856 is thus the first necessity of a resumption by England of her true strength in the world. But that alone is not enough. A complete renunciation is also required of the entirely novel idea that the English strength at sea is a matter for the executive handling of Government Departments. That idea was at the bottom of the whole failure of England, during the second fundamental warlike adventure of her history, to contain and limit the struggle from the first to one lasting only a few months ; and its acceptance has come near indeed to ruin both England and Europe together. That it is both false and novel the preceding chapters have endeavoured to show. That it is also deadly in actual practice a saddened England and a ruined world now bear daily witness.

The strength of England in war knows no fellow. Enormous as against her enemies, it yet, if properly wielded, can never unduly hurt her friends. It can never inflict injustice upon Neutrals. For the Prize Courts of England, still as ever proudly asserting their freedom from executive control, and their complete judicial independence of Orders-in-Council or other executive acts assuming to fetter their interpretation of International Law, are still, what they have always been, a permanent guarantee to all neutral traders that their lawful rights upon the sea will be, not merely respected, but enforced. And yet, while thus preserving the peaceful life of the world in the trade of the neutral, it also throws into the scales of any war a weight which no military Power can at last resist. Relieving England herself from all fear of having ever again to turn her eyes away from the sea in war-time, and to send her sons instead in vast hosts to the battle-fields of the shore, it yet affords to her, to Europe, and to

the world the only really effective guarantee against further prolonged wars of devastation.

Sometimes, indeed, it is said that modern war, with its strange new weapons, its airships and submarines, its mines and torpedoes, its bombs, aeroplanes, and poison-gases, has destroyed the whole secular strength of England as it stood in 1914, has abolished her insularity, and so will always now drive her to take part again upon a great scale ashore in any serious land-struggle of the future. This contention, even if it were completely well-founded, would still avail nothing as an argument against the resumption by England of her power at sea. For, no people when fighting, even though on the shore, can afford to despise any additional power they may justly possess. But the contention, in truth, is not well-founded. No weapon of war that can be devised or used by man can alter the ancient and essential strength of England during war, so long as the heavy movement of the world continues to be conducted upon the surface of the sea. So long as the sea and no other medium continues to be the road of the world, so long must communication by sea continue to be the finally determining factor in deciding the struggles of peoples.

Indeed, as it was clearly seen in the four years following upon 1914, sea-communications and sea-transport have a military importance to-day far greater than any formerly belonging to them. For to-day it is not only, or chiefly, the fighting-forces of an enemy which have to be encountered and dealt with; it is also, and in a very new degree, the enemy populations at home. "The army and people", says General Ludendorff, "were one". And no air-ships, bombs, submarine explosions, or poison-gases will at last avail to maintain the efforts of a hungry, cold, weary, and marooned people against the resistance of a well-supplied and well-nourished modern people with the whole resources of the sea at their back. It will be found at last, as it was found in 1918, that the bombs, guns, and gases of the sea-supported force will outlast and outclass those of their isolated foe. And if it be objected that the hunger, cold, and weariness of Germany in 1918 were a barbarous infliction of the sea upon

harmless children and civilians on shore, the answer surely is that, faced as we inevitably are in such a case by a mere choice of evils, it would plainly have been infinitely more merciful to Germany, to England, and to the whole earth had the cold and hunger of the Germanic peoples been felt by them in 1914, and relieved by peace in 1915 instead of being protracted, as they were, by English action across four years and two months of devastating military destruction only to fall on them with all the greater violence at last.

To withdraw then, openly and plainly, from her present mysterious and metaphysical adhesion to the Second Article of the Declaration of Paris of 1856; to renounce for ever with an equal openness her recent unlawful pretension to manage the whole sea-life of the world in war-time by the decrees of her own Executive; and to affirm instead to all nations her resolve to submit her strength at sea in war for the future to the control throughout of those impartial and international Courts of Prize which are still its sole, lawful, and universally recognized guardians; would be, for England, to resume her warlike strength and rights and, with them, her true position in the world.

It may be that to exercise her ancient rights in these respects, as well as to secure her own continued existence, new weapons from time to time will have to be added to her armoury, and new devices perfected and tried. As men, to aid their efforts of warlike destruction, ascend into the air, or navigate, invisible, the silent depths of the sea, and so threaten by new means either the security of her own populations or the steady traffic of the waters upon which her life and power depend, so must the men of England also do likewise. In this there is no essential novelty for her or for them. New weapons have continually been forged in the past and will doubtless continue to be forged in the future; nor, if experience is any guide, need England greatly fear the event of any new development in that ancient competition. But the weapons essential for her are those still required to maintain against all comers and at all costs an effective control, in peace and war alike, of that which still remains, despite all changes, the only serious road of the several nations of man-

kind—the actual surface of the sea. If, by whatever weapons may be necessary, she can still hold that surface, her power and central influence throughout the world will remain still hers. If she fails to do so, upon whatever pretext, then her power and influence are gone and must pass at last to others.

But, thus founded and thus administered, the maritime strength of England, it will easily be perceived, is far more than a mere combination of belligerent rights. It is, and must ever be, a Trust of the most solemn sort laid upon the English people. A power and a right conferring upon England a means for all time of deterring from war the peoples of Europe ; of limiting, shortening, and ending any war that may break out among them ; and of maintaining, during any such contest, the life of her own people and the commercial vigour of the world outside the war ; such a combination of power and right as that, even though essential to her own independent existence, cannot be lightly worn by any people. It cannot be other than a great and grave trust. And it is upon that consideration, of vital moment to the modern world as it is, that the author would desire this imperfect survey of so great a matter to close.

## XIV

## THE FUTURE

THE trust now lying upon England is grave and heavy; nor can the people of England escape from it. It is the trust laid upon her by her unique power to discourage war and preserve peace throughout the world.

It has been shown with unvarying clearness, by the whole past course of her history no less than by the actual issue of recent terrible events, that she has in her hands a power amply sufficient, if she chooses to retain it, to enable her to fulfil that trust—the greatest, the most insistent, and the most unescapable ever laid upon any people. Without herself sending hosts of her own sons to join again in Continental battles, and wielding for the future, under the calm control of Law only, her necessary command of the roads of the sea, England may still, if she so chooses, render steadily to the world the enormous service of discouraging military destruction in every part of the earth; and of decisively limiting and ending that destruction henceforward wherever and however it may unhappily break out. Her power in this respect is known and understood by every other people upon earth. By her own rulers and people alone it appears still to be unsuspected and even despised.

That a maintenance of peace and order everywhere is the chief interest of England herself is obvious. Her life and fortunes depend upon it. She is essentially a settled country, with no ambition still left to satisfy, either in Europe or in any part of the world. She desires no further territory or possessions anywhere. She has no separated community of her own people anywhere to redeem from foreign rule.

No legacy of distrust, oppression, or thwarted endeavour besets her. It is true to say in general that she hates no one. It is equally true to say that she fears no one. She stands serenely in the sea, separated physically from all other peoples; exempt alike from their traditional troubles, hatreds, and ambitions; and pursuing of necessity a destiny quite different in character from theirs. But at her gates is Europe. And Europe, the smallest of all the continents, is as yet not settled at all.

During the period of sixty years immediately preceding 1914, every single one of the great military peoples of Europe had engaged, not once, but repeatedly, in violent military war; France, Germany, and Austria three times, Russia twice, and Italy no fewer than four times. All these military peoples, depositories of European civilization as they are, had thus successively broken their own peace and that of the world, while resolutely maintaining as against each other such standing military forces within that continent as men had not formerly seen. Nor was it ever possible to foretell from any one combination of their forces and interests what the next such combination would be. The brothers in arms of one campaign became in bewildering succession the bitter foes of the next.

Russia, for instance, during this same period, appeared first as the friend and then as the enemy of Germany. France had fought against Russia and then had become her ally. Austria, having fought first Germany and then Italy, had appeared at last as the friend and ally of both. Among the lesser Powers, moreover, and especially among those of the south-eastern regions of the continent, there lay always a veritable spider's-web of racial hatreds, irreconcilable ambitions, and divergent aims, at least as changing and complex as those of their more powerful neighbours, and at least equally likely at any moment to involve great and small together in political convulsion and war. A Continent of that sort, whatever else it may be called, cannot be described as settled. It is, in truth, by far the least settled, by far the most given to serious self-destruction, and so by far the most dangerous to the peaceful life of the world, of all the continents upon earth. Small

wonder is it, therefore, that even now—even after the shattering experience of the last great war—the statesmen of Europe have still but little faith in the capacity of their peoples to keep the peace, and are demanding with a common voice the institution among them of some permanent system of what is called Security. And to that new system of security England, as usual, is loudly invited to lend her full influence and power.

Now the new security thus demanded is, in form, a security against future war in Europe. In fact, however, it is a security against the sudden and forcible breaking of treaties there, by any one Power or combination of Powers. For, the order of Europe is defined by and secured upon treaties among its various Powers; and if, by means of some new politico-legal machinery upon that continent, a real security could be felt that no infringement of treaty would take place there, until every conceivable resource of previous consideration and discussion had been exhausted, it is believed by many that such infringements at last would be rare, and that the vast majority of disputes between nations could then be settled without the necessity of a recourse to war.

To England, certainly, with her overwhelming interest in the preservation everywhere of order and peace, the institution of any such machinery as this in any part of the world must necessarily be a matter of the most profound interest. Any device or set of devices, whether in Europe or elsewhere, which will really have the effect of enabling men to live together upon the globe without periodically attempting to destroy both themselves and their neighbours, must necessarily claim her serious attention and support.

But there are here, in reality, two quite separate questions to be dealt with; which, from the point of view of England and also from that of the world at large, must necessarily be separately considered if the whole problem, and not merely one part of it, is to be solved. The first question is: What precise form of machinery can now be devised to secure modern nations against outbreaks of fighting between them in the future? That is one problem and a sufficiently great one in itself. But there is another, of at least equal importance, which can never be dissociated from

it. Suppose this novel, untried machinery fails in any specific case to prevent a recourse to arms, as novel and untried machinery has sometimes been known to do; and suppose that, in consequence of that failure, war has again actually broken out between two or more European Powers; upon what principles *then* are the combatants themselves and, above all, the other nations of the world to proceed? To the solution of the first problem England should certainly give the best advice and most material support of which she is capable. But with regard to the second, she has something of her own to say; something which no other Power or combination of Powers can say for her; and something, moreover, which bears in the most direct manner upon the effective solution of the first.

Up to the year 1906, the traditional policy of England towards the quarrels of Europe was one of watchful and resolute abstention. Her statesmen, up to that year, had always realized completely how many deadly animosities and conflicts of interest still survived among European Powers; how little, in truth, England was concerned with those animosities except to compose them; and how greatly her power to assist in composing them would be weakened by committing her beforehand to any embarrassing and exclusive friendship upon that continent.

No one proclaimed this policy more plainly than Mr. Disraeli. None followed it more steadily than Mr. Gladstone and Lord Salisbury. To all those statesmen, a diplomatic commitment to any European Power which might, in easily conceivable circumstances, compel England to take part in foreign wars and so deprive her to that important extent of the control of her own actions in moments of crisis, was the one thing above all others to be avoided. In 1856, it is true, she had entered, under the guidance, and presumably upon the recommendation, of Lord Palmerston, into an agreement with certain other Powers to abandon as between herself and them the right to capture upon the seas in war the property of an enemy carried in any neutral ship; and thus, for the first time in her history, had very considerably shortened her arm upon the seas. But, shortened and materially weakened as that arm then was,

she still steadily continued to rely upon her Fleet and its powers under the Law of Nations, as constituting together overwhelmingly her chief and nearly single weapon of force. In no single instance, up to the beginning of 1906, had England, so far as is yet known, been committed by her rulers before the event of war to any arrangement or understanding with a Power in Europe, as to the actual use she should make of her forces on sea or land, when some future possible dispute should actually break out. Nor can there now be any reasonable doubt as to the wisdom, from England's own point of view, of her long-continued adherence to that strong and peaceful tradition.

But, in the year 1906 the whole of this policy was suddenly and violently abandoned. The story in general is now well known; and the military half of it is set forth with commendable plainness in the recently published French Official History of the Great War. In that year, it appears, "at a "period when German diplomacy was making the trouble "in Morocco which resulted in the Algeciras Conference", and in a temporary agreement as to Morocco between France and Germany, a decision was taken in the English Foreign Office to allow the military chiefs of the English Army to meet those of the French Army, in order to concert together "the bases of "common military action" to be taken against Germany in certain possible events. Similar conversations were authorized at the same time, and on the same subject, between the General Staff of the English Army and that of the Army of Belgium.

Both sets of conferences were of course highly confidential and secret; so much so, indeed, that the fact that they were being held was steadily concealed even from the English Cabinet as a whole,[1] while the Parliament and people of England were of course allowed to know even less about them than the Cabinet itself. And, side by side with these departures, as though determined in every way to mark her sudden conversion from a naval to a military Power, England was at the same time accepting with enthusiasm the invitation from Russia on 3 April, 1906, to attend that strange Conference at The Hague, at which in the following year she was to explain, with regard to her sea-power, to an assembly of foreign

[1] *How the War Came*, by The Earl Loreburn, 1919, p. 79 *et seq.*

diplomats her earnest desire " to abandon the principle of " Contraband of War altogether; thus allowing the over- " sea trade in neutral vessels between belligerents on the " one hand and neutrals on the other to continue during war " without any restriction, subject only to its exclusion by " blockade from an enemy's port ".

By the beginning of 1908, if the French Official History is to be trusted, her military conversations with France had so far prospered, that " the bases of the principal steps to be taken " for joint military action by the two countries on the soil of Europe in the event of a German military attack upon France " were firmly fixed ". And, at that very same moment, England was inviting the nine principal Powers of the world to join her in that further Conference in London at which, with regard to her strength upon the sea, the doctrines of the Declaration of London of 1909 were finally defined and agreed to. In 1913, accordingly, England had become so far committed to a definite military intervention upon the Continent in certain highly possible contingencies, that a French official paper of that year entitled " The Bases of Plan XVII " was able to report that :

" On land, an Entente established between the General " Staffs of the two nations provides for the employment on " the extreme left of our line of an English Army comprising " one cavalry division, six infantry divisions, and four mounted " brigades, a total of 120,000 combatants "; while, with regard to the sea, although the Parliament of England had rejected the Naval Prize Bill, yet her people still remained in the grasp of a Foreign Office obstinately wedded to the principles of their own Declaration of London and determined, as the event showed, to bring them at the first touch of war into practical effect.

Now all these highly diplomatic proceedings of 1906 and after may have been wise or unwise, sane or insane, prudent or reckless. The only points here desired to be made about them are that they all in fact took place; and that they constituted, both in themselves and in the methods by which they were timed, contrived, and carried out, a clear and determined departure from the whole former traditional policy of England with regard to European quarrels.

So far from resolutely abstaining from any entangling commitments upon the Continent, England, from 1906 and onwards, had entangled herself so deeply in advance with one military Power there, that when the moment for decision came as to the use of her own military forces she was not free, consistently with her own honour, to decide the matter as though no such entanglement had ever been allowed to occur. And, so far from relying upon her ancient rights at sea to exercise their decisive influence upon a European quarrel in which she herself might become involved, she had deliberately thrown those rights away, together with the whole great system underlying them, and had replaced both by the strange provisions and the wholly novel system of war prescribed in the document known as the "Declaration of London, 1909".

She had given up, in short, her secular policy of abstention from previous entanglements; of freedom to act throughout as circumstances might dictate; and of an ultimate reliance upon her power at sea to make her will prevail, for the directly opposite policy of previous and secret entanglements upon the Continent; of a consequent loss of freedom to decide her own policy according to the circumstances at the crucial moment; of an "oversea "trade in neutral vessels without any restriction" save blockade; and of a reliance, for the first time, rather on her armies than on her seamen to make her views and influence in Europe prevail.

The change was great. It was doubtless entered upon in the hope and belief that, contrary to all previous teaching, England could better preserve peace in Europe, and better wield her strength to end war if war should arise there, under this new system than under the old. But, from August 1914 until November 1918 this new system was tried out. England, for three years, and for the first time in her history, waged war in Europe upon a purely military basis; upon the gigantic modern continental scale; and upon the principle that her ancient power to prevent her enemy's supplies from reaching him by sea, was not to be used to weaken his resistance and assist her own armies. The result is known, and it has been

described earlier in this book. The fighting, steadily fed upon both sides by England from the sea, lasted for four years and three months, instead of for a few months only at the very most; the very fabric of European civilization came near to destruction in the process; England had been rendered unable by her previous commitments to preserve the peace of the world; nor was that peace able at last to be restored until she had shaken off the whole new maritime principles of 1856 and 1909, and more than re-assumed in practice the whole of her ancient powers at sea as they stood before those dates. More than this need surely not be said. Both from the single point of view of England herself, and from that of Europe and the world as a whole, the curtailment of England's strength at sea, and her conversion into a military rather than a maritime power, have been condemned for ever in the eyes of all the world as a policy leading directly to ruinous disaster for every interest concerned.

In these circumstances, of which Continental statesmanship is well aware, England is invited to consider yet a third proposed policy. She is invited to agree beforehand to submit her strength in war, by sea and land alike, to the general supervision of a body of foreign delegates sitting at Geneva, and so, as it is alleged, to add materially to the new Security desired against future military aggressions in Europe. In order to define so far as possible beforehand the conditions under which this strange submission of her strength is to be made, and under which that strength itself is in future to be used, two very formidable documents have already been elaborated in that ancient city. One was called the "Draft Treaty of Mutual "Assistance", and the other was known as the "Geneva "Protocol of 1924". Both in turn have been rejected by successive English Governments, and now, accordingly, are heard of no more. For, it is always to be carefully observed in such matters, that the adhesion of England to any scheme affecting general European security is everywhere regarded as essential to its efficiency.

But further schemes to take the place of those which England has rejected will doubtless be proposed at Geneva; and an agreement has already been deposited there, binding

England, France, Germany, Belgium, and Italy in a joint guarantee of the present western frontier of Germany: so that if hostilities were ever again actually to break out upon that frontier, England would be definitely bound, whether she liked it or not, to render an active assistance to the Power that might there be attacked; and definitely bound, also, to render this assistance "in accordance with the recommendations of the Council" of the League of Nations.

Now, although the proposal to submit any part of the direction of English policy to some body outside her own shores is altogether new in principle, there is nothing new in a guarantee by England of some foreign territory or frontier. It is, moreover, conceivable that a participation by England in some diplomatic novelty, such as the League of Nations, may in present circumstances be defensible if that novelty should seem really likely to replace war in Europe by a peaceful settlement of disputes. But, whether the English strength in the wars of the future is to be exercised at the bidding of Leagues of Nations, or at the unfettered discretion of an independent England alone, the question of real interest both for her and for the world still remains apart. For, the question of real interest is: In what manner, and subject to what principles, is that strength to be exerted in practice when the need for it has actually arisen?

It has been the purpose of this book to sketch, so far as possible in simple language, the combined fabric of Law and actual Maritime Power upon which the essential Strength of England depends. And if the preceding chapters have at all succeeded in their object, the reader will perceive that this is now the real question of urgent practical importance still remaining for the consideration, not only of the English people, but of the whole world as well. It goes far beyond any question as to the wisdom or otherwise of avoiding foreign commitments, and far beyond any question as to the final depository of English foreign policy—vitally important as both those questions are. It is a question of whether or not for the future England's contribution to the maintenance of peace and to the equally important shortening of wars, is to

be merely that of an ordinary military Power, or that of a Power acting not at all upon the shore, but under the rule of calm and civil Law upon the seas instead.

From the point of view of England alone the answer can hardly be in doubt. A strength at sea, whether aerial, submarine, or of surface ships, sufficient to ensure the safe movement throughout the world of her own traffic upon the waters she must plainly always possess. That strength, it is now known for good, if exerted to the full by her Fleets and Courts under the rule, not of her own Executive, but of the Common Law of all Nations, will always amply suffice both to discourage any Power in Europe from incurring its hostility, and also decisively to shorten the period of such hostility, and to force in every circumstance of modern war an early return to peace. For England herself such a strength as that is sufficient indeed. Nor can she reasonably forget that, if she now decides to give it up, the alternative for her is clear. She will from that moment form merely a part of the ordinary military system of Europe; and so will infallibly sooner or later have again to bear the tremendous burden of maintaining for years on end a great continental army and "aery" of her own, as well as a Fleet and power at sea which she will have debarred herself from using for that army's vital assistance.

But is not a continuance of the English strength upon its ancient foundations essential for Europe too? For here again the alternative is clear. If the sea, under some new European dispensation, is in future to be used as it was during the three years from 1914 to 1917, merely as a convenient channel for the feeding of all sides engaged in wars upon the land, those wars which, in modern conditions, the sea could close down in a few months, will last instead, it has been seen, for years.

This, now, is known; nor can any diplomatic system of securities prevent it from being true. With the strength of England at sea permanently removed from the world, the "security" which Europe will have gained may prove some security against the outbreak of war; but, when once war has broken out, will be merely a security for its continuance.

It may be that this, despite all the horrors that have recently been seen to flow from it, is what Europe now desires, and what the rulers of England are still half disposed to agree to. If so, it would seem well, at least, to inform the peoples both of England and of Europe at once of the bitter fate which is again being prepared for them, and of what is infallibly awaiting them, perhaps far sooner than any of them now expects.

But if, with or without the immediate concurrence of a restless and broken Europe, the people of England come to perceive for themselves the permanent character of the trust entailed upon them by their situation in the world, and the true character, also, of the power which they must always possess to fulfil it, then the course which they will take is clear.

An announcement in that case would be made in due course upon their behalf to Geneva, to Europe, and to the world at large, affirming, in the first place, the earnest desire and determination of England to use for the future the whole of her diplomatic, military, and maritime strength for the maintenance of peace throughout the world; and for securing, in particular, a steady observance of her own obligations towards Europe, contained in the various treaties and other documents designed for the maintenance of peace upon that continent. Any invasion of those treaties by any Power would always be discountenanced by England; and any such invasion of a treaty to which she herself was a party, would necessarily involve her open hostility.

But the hostility of England as against a lawless and treaty-breaking Power must in future be complete. She would, therefore, hold herself free to employ against any such Power not merely such purely military measures as, in concert with her allies, she might think fit to adopt, but also her full rights of warfare upon the sea as defined and settled by the immemorial practice until recent days of the Common Law of Nations. In this last connection, she would declare openly to the world that she intended no longer to be bound in respect of her belligerent rights at sea by the Second Article of the Declaration of Paris of 1856; and that, on

the other hand, she intended for the future to submit every action taken by her naval forces at sea against neutral or belligerent traffic in war-time to the judgment and decision of her duly appointed Prize Tribunals, administering only the Law of all Nations, and unfettered in the exercise of their judicial functions by any attempted Executive orders or control.

At the same time, she would intimate to the several Governments of Europe that they must never again expect her, in any circumstances whatever, to land upon the Continent an army of the kind and upon the scale of her armies of the recent war ; but that she would undertake, instead, in every case of a forcible breach of treaty there, to lay behind her Allies in its defence the whole lawful economic resources of the earth, and to close those resources, so far as the Law of Nations and her own naval capacity together permitted, to the forces and peoples of the aggressors.

In such an announcement as this, unquestionably, would reside a real security for the future peace of Europe and for the continued stability of the whole western world. It is an announcement to which no Power in Europe either could or would take open exception. Nor, indeed, would it probably now be received by Europe otherwise than with a most profound relief. The old dislike and jealousy of English strength upon the sea has been largely dissipated for the moment in the European mind. " At the time when war " aims and peace terms were being discussed ", says General Sir George Aston, " I remember reading a combined state- " ment by representatives of the Allied Powers to the effect " that the services rendered to them by the English Navy " and Merchant Service caused them to desire that the English " should be as strong as possible at sea after the war ".

In the English Navy and Merchant Service, and in the power of England to command the surface of the roads of the world under the control, not of her own Executive, but of undisputed, general Law, lies the sole hope of peace in the future for a saddened and distracted world. It was due, as it has been shown, to England's determined mishandling of her command

of the roads from 1914 to 1917, that she and Europe together are enduring their present miseries. The responsibility upon her, therefore, with regard to the present state of the world is great. Great indeed, also, are her trust and responsibility for the future. She cannot share that responsibility with any other nation or League of Nations. The responsibility for the decision must rest at last with her alone.

# APPENDIX A

## THE DECLARATION OF PARIS, 1856

ENGLISH TRANSLATION OF THE FRENCH TEXT

(*For which latter see "State Papers," vol. lxvi, 1855-56, p. 136*)

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ANNEX TO PROTOCOL NO. 23

*Declaration*

THE Plenipotentiaries who have signed the Treaty of Paris of 20th March, 1856, met in Conference. Considering:

That maritime law in time of war has long been the object of regrettable contestation;

That the uncertainty of the law and of duties in such a matter gives rise, between neutrals and belligerents, to divergences of opinion which may lead to serious difficulties and even to conflicts;

That it is advantageous therefore to establish a uniform doctrine on a point so important;

That the Plenipotentiaries assembled at the Congress of Paris could not better fulfil the intentions by which their Governments are animated than by seeking to introduce into international relations fixed principles in this respect:

Duly authorized, the above-mentioned Plenipotentiaries have agreed to concert together on the means of attaining this end; and having come to an agreement, have decided upon the solemn Declaration following:

1. Privateering is and remains abolished.

2. The neutral flag covers enemy's merchandise with the exception of contraband of war.

3. Neutral merchandise, with the exception of contraband of war, is not capturable under the enemy's flag.

4. Blockades, in order to be obligatory, must be effective—

that is to say, maintained by a force sufficient to really prevent access to the coast of the enemy.

The Governments of the Plenipotentiaries undersigned engage themselves to bring this Declaration to the knowledge of the States which have not been invited to participate in the Congress of Paris, and to invite them to accede to it.

Convinced that the maxims which they have now proclaimed can only be received with gratitude by the whole world, the undersigned Plenipotentiaries do not doubt that the efforts of their Governments to generalize their adoption will be crowned with full success.

The present Declaration is not and will not be obligatory except between the Powers who have or who shall have acceded to it.

Done at Paris the 16th April, 1856.

[*Follow the signatures.*]

## APPENDIX B

# FINAL PROTOCOL OF THE LONDON NAVAL CONFERENCE OF 1909

[TRANSLATION]

### Final Protocol

THE London Naval Conference, called together by His Britannic Majesty's Government, assembled at the Foreign Office on the 4th December, 1908, with the object of laying down the generally recognized principles of international law in accordance with Article 7 of the Convention signed at The Hague on the 18th October, 1907, for the establishment of an International Prize Court.

The Powers enumerated below took part in this Conference, at which they appointed as their Representatives the following Delegates :—

| | |
|---|---|
| Germany. | Great Britain. |
| The United States of America. | Italy. |
| Austria-Hungary. | Japan. |
| Spain. | Netherlands. |
| France. | Russia. |

In a series of sittings held from the 4th December, 1908, to the 26th February, the Conference has concluded, to be submitted for signature by the Plenipotentiaries the *Declaration concerning the laws of naval war*, the text of which is annexed to the present Protocol.

Furthermore, the following wish has been recorded by the Delegates of those Powers which have signed or expressed the intention of signing the Convention of The Hague of the 18th

October, 1907, for the establishment of an International Prize Court :—

*The Delegates of the Powers represented at the Naval Conference which have signed or expressed the intention of signing the Convention of The Hague of the 18th October, 1907, for the establishment of an International Prize Court, having regard to the difficulties of a constitutional nature which, in some States, stand in the way of the ratification of that Convention in its present form, agree to call the attention of their respective Governments to the advantage of concluding an arrangement under which such States would have the power, at the time of depositing their ratifications, to add thereto a reservation to the effect that resort to the International Prize Court in respect of decisions of their National Tribunals shall take the form of a direct claim for compensation, provided always that the effect of this reservation shall not be such as to impair the rights secured under the said Convention either to individuals or to their Governments, and that the terms of the reservation shall form the subject of a subsequent understanding between the Powers signatory of that Convention.*

In faith whereof the Plenipotentiaries and the Delegates representing those Plenipotentiaries who have already left London have signed the present Protocol.

Done at London the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall be deposited in the archives of the British Government and of which duly certified copies shall be sent through the diplomatic channel to the Powers represented at the Naval Conference.

For Germany
KRIEGE

For the United States of America
C. H. STOCKTON
GEORGE GRAFTON WILSON

For Austria-Hungary
C. DUMBA

For Spain
RAMÓN ESTRADA

For France
L. RENAULT

For Great Britain
DESART

For Italy
GIOVANNI LOVATELLI

For Japan
T. SAKAMOTO
E. YAMAZA

For the Netherlands
J. A. ROËLL
L. H. RUYSSENAERS

For Russia
F. BEHR

## APPENDIX C

# THE DECLARATION OF LONDON OF 1909

[TRANSLATION]

### Declaration concerning the Laws of Naval War

HIS Majesty the German Emperor, King of Prussia; the President of the United States of America; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Majesty the Emperor of all the Russias.

Having regard to the terms in which the British Government invited various Powers to meet in conference in order to arrive at an agreement as to what are the generally recognized rules of international law within the meaning of Article 7 of the Convention of 18th October, 1907, relative to the establishment of an International Prize Court;

Recognizing all the advantages which an agreement as to the said rules would, in the unfortunate event of a naval war, present, both as regards peaceful commerce, and as regards the belligerents and their diplomatic relations with neutral Governments;

Having regard to the divergence often found in the methods by which it is sought to apply in practice the general principles of international law;

Animated by the desire to ensure henceforward a greater measure of uniformity in this respect;

Hoping that a work so important to the common welfare will meet with general approval;

Have appointed as their Plenipotentiaries, that is to say:

[*Here follows the Names.*]

Who, after having communicated their full powers, found to be in good and due form, have agreed to make the present Declaration :—

**Preliminary Provision**

The Signatory Powers are agreed that the rules contained in the following Chapters correspond in substance with the generally recognized principles of international law.

CHAPTER I—BLOCKADE IN TIME OF WAR

*Article* 1.—A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy.

*Article* 2.—In accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline.

*Article* 3.—The question whether a blockade is effective is a question of fact.

*Article* 4.—A blockade is not regarded as raised if the blockading force is temporarily withdrawn on account of stress of weather.

*Article* 5.—A blockade must be applied impartially to the ships of all nations.

*Article* 6.—The commander of a blockading force may give permission to a warship to enter, and subsequently to leave, a blockaded port.

*Article* 7.—In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under blockade and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.

*Article* 8.—A blockade, in order to be binding, must be declared in accordance with Article 9, and notified in accordance with Articles 11 and 16.

*Article* 9.—A declaration of blockade is made either by the blockading Power or by the naval authorities acting in its name.

It specifies—

(1) The date when the blockade begins ;

(2) The geographical limits of the coastline under blockade ;

(3) The period within which neutral vessels may come out.

*Article* 10.—If the operations of the blockading Power, or of the naval authorities acting in its name, do not tally with the particulars, which, in accordance with Article 9 (1) and (2), must be inserted in the declaration of blockade, the declaration is

void, and a new declaration is necessary in order to make the blockade operative.

*Article* 11.—A declaration of blockade is notified—

(1) To neutral Powers, by the blockading Power by means of a communication addressed to the Governments direct, or to their representatives accredited to it.

(2) To the local authorities, by the officer commanding the blockading force. The local authorities will, in turn, inform the foreign consular officers at the port or on the coastline under blockade as soon as possible.

*Article* 12.—The rules as to declaration and notification of blockade apply to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised.

*Article* 13.—The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by Article 11.

*Article* 14.—The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.

*Article* 15.—Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade to the Power to which such port belongs, provided that such notification was made in sufficient time.

*Article* 16.—If a vessel approaching a blockaded port has no knowledge, actual or presumptive, of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's logbook, and must state the day and hour, and the geographical position of the vessel at the time.

If through the negligence of the officer commanding the blockading force no declaration of blockade has been notified to the local authorities, or, if in the declaration, as notified, no period has been mentioned within which neutral vessels may come out, a neutral vessel coming out of the blockaded port must be allowed to pass free.

*Article* 17.—Neutral vessels may not be captured for breach of blockade except within the area of operations of the warships detailed to render the blockade effective.

*Article* 18.—The blockading forces must not bar access to neutral ports or coasts.

*Article* 19.—Whatever may be the ulterior destination of a

vessel or of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port.

*Article* 20.—A vessel which has broken blockade outwards, or which has attempted to break blockade inwards, is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can no longer be effected.

*Article* 21.—A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned, unless it is proved that at the time of the shipment of the goods the shipper neither knew nor could have known of the intention to break the blockade.

### Chapter II—Contraband of War

*Article* 22.—The following articles may, without notice, be treated as contraband of war, under the name of absolute contraband :—

(1) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
(2) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
(3) Powder and explosives specially prepared for use in war.
(4) Gun-mountings, limber boxes, limbers, military waggons, field forges, and their distinctive component parts.
(5) Clothing and equipment of a distinctively military character.
(6) All kinds of harness of a distinctively military character.
(7) Saddle, draught, and pack animals suitable for use in war.
(8) Articles of camp equipment, and their distinctive component parts.
(9) Armour plates.
(10) Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.
(11) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.

*Article* 23.—Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.

Such notification must be addressed to the Governments of other Powers, or to their representatives accredited to the Power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral Powers.

*Article* 24.—The following articles, susceptible of use in war as well as for purposes of peace, may, without notice, be treated as contraband of war, under the name of conditional contraband :—

(1) Foodstuffs.
(2) Forage and grain, suitable for feeding animals.
(3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
(4) Gold and silver in coin or bullion ; paper money.
(5) Vehicles of all kinds available for use in war, and their component parts.
(6) Vessels, craft, and boats of all kinds ; floating docks, parts of docks and their component parts.
(7) Railway material, both fixed and rolling-stock, and material for telegraphs, wireless telegraphs, and telephones.
(8) Balloons and flying machines and their distinctive component parts, together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.
(9) Fuel ; lubricants.
(10) Powder and explosives not specially prepared for use in war.
(11) Barbed wire and implements for fixing and cutting the same.
(12) Horseshoes and shoeing materials.
(13) Harness and saddlery.
(14) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

*Article* 25.—Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in Articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

*Article* 26.—If a Power waives, so far as it is concerned, the right to treat as contraband of war an article comprised in any of the classes enumerated in Articles 22 and 24, such intention shall be announced by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

*Article* 27.—Articles which are not susceptible of use in war may not be declared contraband of war.

*Article* 28.—The following may not be declared contraband of war :—

(1) Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.
(2) Oil seeds and nuts ; copra.
(3) Rubber, resins, gums, and lacs ; hops.
(4) Raw hides and horns, bones, and ivory.
(5) Natural and artificial manures, including nitrates and phosphates for agricultural purposes.
(6) Metallic ores.
(7) Earths, clays, lime, chalk, stone, including marble, bricks, slates, and tiles.
(8) Chinaware and glass.
(9) Paper and paper-making materials.
(10) Soap, paint and colours, including articles exclusively used in their manufacture, and varnish.
(11) Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.
(12) Agricultural, mining, textile, and printing machinery.
(13) Precious and semi-precious stones, pearls, mother-of-pearl, and coral.
(14) Clocks and watches, other than chronometers.
(15) Fashion and fancy goods.
(16) Feathers of all kinds, hairs, and bristles.
(17) Articles of household furniture and decoration ; office furniture and requisites.

*Article* 29.—Likewise the following may not be treated as contraband of war :—

(1) Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and subject to the payment of compensation, be requisitioned, if their destination is that specified in Article 30.
(2) Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.

*Article* 30.—Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transhipment or a subsequent transport by land.

*Article* 31.—Proof of the destination specified in Article 30 is complete in the following cases :—

(1) When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.

(2) When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.

*Article* 32.—Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.

*Article* 33.—Conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces or of a government department of the enemy State, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under Article 24 (4).

*Article* 34.—The destination referred to in Article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.

In cases where the above presumptions do not arise, the destination is presumed to be innocent.

The presumptions set up by this Article may be rebutted.

*Article* 35.—Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

*Article* 36.—Notwithstanding the provisions of Article 35,

conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture in cases where the enemy country has no seaboard.

*Article* 37.—A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destintiaon.

*Article* 38.—A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.

*Article* 39.—Contraband goods are liable to condemnation

*Article* 40.—A vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.

*Article* 41.—If a vessel carrying contraband is released, she may be condemned to pay the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.

*Article* 42.—Goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.

*Article* 43.—If a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, the contraband cannot be condemned except on payment of compensation ; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and expenses referred to in Article 41. The same rule applies if the master, after becoming aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.

A vessel is deemed to be aware of the existence of a state of war, or of a declaration of contraband, if she left a neutral port subsequently to the notification to the Power to which such port belongs of the outbreak of hostilities or of the declaration of contraband respectively, provided that such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities.

*Article* 44.—A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the proportion of contraband on board, may, when the circumstances permit, be allowed to

continue her voyage if the master is willing to hand over the contraband to the belligerent warship.

The delivery of the contraband must be entered by the captor on the logbook of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.

### Chapter III—Unneutral Service

*Article* 45.—A neutral vessel will be condemned and will, in a general way, receive the same treatment as a neutral vessel liable to condemnation for carriage of contraband :—

(1) If she is on a voyage specially undertaken with a view to the transport of individual passengers who are embodied in the armed forces of the enemy, or with a view to the transmission of intelligence in the interest of the enemy.

(2) If, to the knowledge of either the owner, the charterer, or the master, she is transporting a military detachment of the enemy, or one or more persons who, in the course of the voyage, directly assist the operations of the enemy.

In the cases specified under the above heads, goods belonging to the owner of the vessel are likewise liable to condemnation.

The provisions of the present Article, do not apply if the vessel is encountered at sea while unaware of the outbreak of hostilities, or if the master, after becoming aware of the outbreak of hostilities, has had no opportunity of disembarking the passengers. The vessel is deemed to be aware of the existence of a state of war if she left an enemy port subsequently to the outbreak of hostilities, or a neutral port subsequently to the notification of the outbreak of hostilities to the Power to which such port belongs, provided that such notification was made in sufficient time.

*Article* 46.—A neutral vessel will be condemned and, in a general way, receive the same treatment as would be applicable to her if she were an enemy merchant vessel :—

(1) If she takes a direct part in the hostilities ;

(2) If she is under the orders or control of an agent placed on board by the enemy Government ;

(3) If she is in the exclusive employment of the enemy Government ;

(4) If she is exclusively engaged at the time either in the transport of enemy troops or in the transmission of intelligence in the interest of the enemy.

In the cases covered by the present Article, goods belonging to the owner of the vessel are likewise liable to condemnation.

*Article* 47.—Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel, may be made a prisoner of war, even though there be no ground for the capture of the vessel.

### Chapter IV—Destruction of Neutral Prizes

*Article* 48.—A neutral vessel which has been captured may not be destroyed by the captor; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the capture.

*Article* 49.—As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of Article 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.

*Article* 50.—Before the vessel is destroyed all persons on board must be placed in safety, and all the ship's papers and other documents which the parties interested consider relevant for the purpose of deciding on the validity of the capture must be taken on board the warship.

*Article* 51.—A captor who has destroyed a neutral vessel must, prior to any decision respecting the validity of the prize, establish that he only acted in the face of an exceptional necessity of the nature contemplated in Article 49. If he fails to do this, he must compensate the parties interested and no examination shall be made of the question whether the capture was valid or not.

*Article* 52.—If the capture of a neutral vessel is subsequently held to be invalid, though the act of destruction has been held to have been justifiable, the captor must pay compensation to the parties interested, in place of the restitution to which they would have been entitled.

*Article* 53.—If neutral goods not liable to condemnation have been destroyed with the vessel, the owner of such goods is entitled to compensation.

*Article* 54.—The captor has the right to demand the handing over, or to proceed himself to the destruction of, any goods liable to condemnation found on board a vessel not herself liable to condemnation, provided that the circumstances are such as

would, under Article 49, justify the destruction of a vessel herself liable to condemnation. The captor must enter the goods surrendered or destroyed in the logbook of the vessel stopped, and must obtain duly certified copies of all relevant papers. When the goods have been handed over or destroyed, and the formalities duly carried out, the master must be allowed to continue his voyage.

The provisions of Articles 51 and 52 respecting the obligations of a captor who has destroyed a neutral vessel are applicable.

### Chapter V—Transfer to a Neutral Flag

*Article* 55.—The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent nationality less than sixty days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.

Where the transfer was effected more than thirty days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits arising from the employment of, the vessel remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than sixty days before the outbreak of hostilities and if the bill of sale is not on board, the capture of the vessel gives no right to damages.

*Article* 56.—The transfer of an enemy vessel to a neutral flag effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

There, however, is an absolute presumption that a transfer is void—

(1) If the transfer has been made during a voyage or in a blockaded port.

(2) If a right to repurchase or recover the vessel is reserved to the vendor.

(3) If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing, have not been fulfilled.

### Chapter VI—Enemy Character

*Article* 57.—Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.

The case where a neutral vessel is engaged in a trade which is closed in time of peace, remains outside the scope of, and is in no wise affected by, this rule.

*Article* 58.—The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.

*Article* 59.—In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods.

*Article* 60.—Enemy goods on board an enemy vessel retain their enemy character until they reach their destination, notwithstanding any transfer effected after the outbreak of hostilities while the goods are being forwarded.

If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognized legal right to recover the goods, they regain their neutral character.

### Chapter VII—Convoy

*Article* 61.—Neutral vessels under national convoy are exempt from search. The commander of a convoy gives, in writing, at the request of the commander of a belligerent warship, all information as to the character of the vessels and their cargoes, which could be obtained by search.

*Article* 62.—If the commander of the belligerent warship has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to him. In such a case it is for the commander of the convoy alone to investigate the matter. He must record the result of such investigation in a report, of which a copy is handed to the officer of the warship. If, in the opinion of the commander of the convoy, the facts shown in the report justify the capture of one or more vessels, the protection of the convoy must be withdrawn from such vessels.

### Chapter VIII—Resistance to Search

*Article* 63.—Forcible resistance to the legitimate exercise of the right of stoppage, search, and capture, involves in all cases

the condemnation of the vessel. The cargo is liable to the same treatment as the cargo of an enemy vessel. Goods belonging to the master or owner of the vessel are treated as enemy goods.

### Chapter IX—Compensation

*Article* 64.—If the capture of a vessel or of goods is not upheld by the prize court, or if the prize is released without any judgment being given, the parties interested have the right to compensation, unless there were good reasons for capturing the vessel or goods.

### Final Provisions

*Article* 65.—The provisions of the present Declaration must be treated as a whole, and cannot be separated.

*Article* 66.—The Signatory Powers undertake to insure the mutual observance of the rules contained in the present Declaration in any war in which all the belligerents are parties thereto. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take such measures as may be required in order to insure that it will be applied by their courts, and more particularly by their prize courts.

*Article* 67.—The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited in London.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers taking part therein, and by His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the British Government, and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, and of the notifications mentioned in the preceding paragraph as well as of the instruments of ratification which accompany them, shall be immediately sent by the British Government, through the diplomatic channel, to the Signatory Powers. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

*Article* 68.—The present Declaration shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify

subsequently, sixty days after the notification of their ratification shall have been received by the British Government.

*Article* 69.—In the event of one of the Signatory Powers wishing to denounce the present Declaration, such denunciation can only be made to take effect at the end of a period of twelve years, beginning sixty days after the first deposit of ratifications, and, after that time, at the end of successive periods of six years, of which the first will begin at the end of the period of twelve years.

Such denunciation must be notified in writing, at least one year in advance, to the British Government, which shall inform all the other Powers.

It will only operate in respect of the denouncing Power.

*Article* 70.—The Powers represented at the London Naval Conference attach particular importance to the general recognition of the rules which they have adopted, and therefore express the hope that the Powers which were not represented there will accede to the present Declaration. They request the British Government to invite them to do so.

A Power which desires to accede shall notify its intention in writing to the British Government, and transmit simultaneously the act of accession, which will be deposited in the archives of the said Government.

The said Government shall forthwith transmit to all the other Powers a duly certified copy of the notification, together with the act of accession, and communicate the date on which such notification was received. The accession takes effect sixty days after such date.

In respect of all matters concerning this Declaration, acceding Powers shall be on the same footing as the Signatory Powers.

*Article* 71.—The present Declaration, which bears the date of the 26th February, 1909, may be signed in London up till the 30th June, 1909, by the Plenipotentiaries of the Powers represented at the Naval Conference.

In faith whereof the Plenipotentiaries have signed the present Declaration, and have thereto affixed their seals.

Done at London, the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall remain deposited in the archives of the British Government, and of which duly certified copies shall be sent through the diplomatic channel to the Powers represented at the Naval Conference.

For Germany
KRIEGE

For the United States of America
C. H. STOCKTON
GEORGE GRAFTON WILSON

For Austria-Hungary
C. DUMBA

For France
L. RENAULT

For Great Britain
DESART

For the Netherlands
J. A. ROËLL
L. H. RUYSSENAERS

Japan signed 10th June, 1909.
Russia signed 29th June, 1909.
Spain signed 23rd April, 1909.
Italy signed 25th May, 1909.

## APPENDIX D

# THE MARITIME RIGHTS ORDER IN COUNCIL, 1916

AS PUBLISHED IN

*The "London Gazette" of Tuesday, 11th July, 1916*

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At the Court at Buckingham Palace, the 7th day of July, 1916.

PRESENT

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by an Order in Council, dated the 20th day of August, 1914, His Majesty was pleased to declare that during the present hostilities the provisions of the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force by His Majesty's Government:

And whereas the said Declaration was adopted as aforementioned in common with His Majesty's Allies:

And whereas it has been necessary for His Majesty and for His Allies from time to time to issue further enactments modifying the application of the articles of the said Declaration:

And whereas Orders in Council for this purpose have been issued by His Majesty on the 29th day of October, 1914, the 20th day of October, 1915, and the 30th day of March, 1916:

And whereas the issue of these successive Orders in Council may have given rise to some doubt as to the intention of His Majesty, as also as to that of His Allies, to act in strict accordance with the law of nations, and it is therefore expedient to withdraw the said Orders so far as they are now in force:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, that the Declaration of London Order in Council No. 2, 1914, and

all Orders subsequent thereto amending the said Order are hereby withdrawn ;

And His Majesty is pleased further to declare, by and with the advice of His Privy Council, and it is hereby declared, that it is and always has been His intention, as it is and has been that of His Allies, to exercise their belligerent rights at sea in strict accordance with the law of nations ;

And whereas on account of the changed conditions of commerce and the diversity of practice doubts might arise in certain matters as to the rules which His Majesty and His Allies regard as being in conformity with the law of nations, and it is expedient to deal with such matters specifically ;

It is hereby ordered that the following provisions shall be observed :

(*a*) The hostile destination required for the condemnation of contraband articles shall be presumed to exist, until the contrary is shown, if the goods are consigned to or for an enemy authority, or an agent of the enemy State, or to or for a person in territory belonging to or occupied by the enemy, or to or for a person who, during the present hostilities, has forwarded contraband goods to an enemy authority, or an agent of the enemy State, or to or for a person in territory belonging to or occupied by the enemy, or if the goods are consigned " to order," or if the ship's papers do not show who is the real consignee of the goods.

(*b*) The principle of continuous voyage or ultimate destination shall be applicable both in cases of contraband and of blockade.

(*c*) A neutral vessel carrying contraband with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.

(*d*) A vessel carrying contraband shall be liable to capture and condemnation if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.

And it is hereby further ordered as follows :

(i) Nothing herein shall be deemed to affect the Order in Council of the 11th March, 1915, for restricting further the commerce of the enemy, or any of His Majesty's Proclamations declaring articles to be contraband of war during the present hostilities.

(ii) Nothing herein shall affect the validity of anything done under the Orders in Council hereby withdrawn.

(iii) Any cause or proceeding commenced in any Prize Court before the making of this Order may, if the Court thinks just, be heard and decided under the provisions of the Orders hereby withdrawn so far as they were in force at the date when such cause or proceeding was commenced, or would have been applicable in such cause or proceeding if this Order had not been made.

This Order may be cited as " The Maritime Rights Order in Council, 1916."

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, Officers, and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY

## APPENDIX E

# TEXT OF THE FOREIGN OFFICE MEMORANDUM OF THE 7TH JULY, 1916

EXPLAINING TO NEUTRAL POWERS THE GROUNDS FOR THE ISSUE OF THE MARITIME RIGHTS ORDER IN COUNCIL OF THAT DATE

(*From the Foreign Office White Paper of 14th July*, 1916)

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NOTE ADDRESSED BY HIS MAJESTY'S GOVERNMENT TO NEUTRAL REPRESENTATIVES IN LONDON RESPECTING THE WITHDRAWAL OF THE DECLARATION OF LONDON ORDERS IN COUNCIL

No. 1

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador, and has the honour to transmit herewith, for the information of the United States Government, the text of an Order in Council of to-day's date, effecting a change in the rules hitherto adopted by His Majesty's Government to govern their conduct of warfare at sea during the present hostilities. A memorandum which has been drawn up by the British and French Governments is also enclosed explaining the grounds for the issue of this Order.

*Foreign Office, July 7*, 1916.

At the beginning of the present war the Allied Governments, in their anxiety to regulate their conduct by the principles of the law of nations, believed that in the Declaration of London they would find a suitable digest of principles and compendium of working rules. They accordingly decided to adopt the provisions of the Declaration, not as in itself possessing for them the force of law, but because it seemed to present in its main

lines a statement of the rights and the duties of belligerents based on the experience of previous naval wars.

As the present struggle developed, acquiring a range and character beyond all previous conceptions, it became clear that the attempt made at London in time of peace to determine not only the principles of law, but even the forms under which they were to be applied, had not produced a wholly satisfactory result. As a matter of fact, these rules, while not in all respects improving the safeguards afforded to neutrals, do not provide belligerents with the most effective means of exercising their admitted rights.

As events progressed, the Germanic Powers put forth all their ingenuity to relax the pressure tightening about them and to reopen a channel for supplies; their devices compromised innocent neutral commerce and involved it in suspicions of enemy agency.

Moreover the manifold developments of naval and military science, the invention of new engines of war, the concentration by the Germanic Powers of the whole body of their resources on military ends, produced conditions altogether different from those prevailing in previous naval wars.

The rules laid down in the Declaration of London could not stand the strain imposed by the test of rapidly changing conditions and tendencies which could not have been foreseen.

The Allied Governments were forced to recognize the situation thus created, and to adapt the rules of the Declaration from time to time to meet these changing conditions.

These successive modifications may perhaps have exposed the purpose of the Allies to misconstruction; they have therefore come to the conclusion that they must confine themselves simply to applying the historic and admitted rules of the law of nations.

The Allies solemnly and unreservedly declare that the action of their warships, no less than the judgments of their Prize Courts, will continue to conform to these principles; that they will faithfully fulfil their engagements, and in particular will observe the terms of all international conventions regarding the laws of war; that, mindful of the dictates of humanity, they repudiate utterly all thought of threatening the lives of non-combatants; that they will not without cause interfere with neutral property; and that if they should, by the action of their fleets, cause damage to the interests of any merchant acting in good faith, they will always be ready to consider his claims and to grant him such redress as may be due.

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